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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. Serial No. ER-136]

**PART 292—CLASSIFICATIONS AND
EXEMPTIONS**

IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of December 1948.

The following interpretation of the Economic Regulations § 292.1, in the form of illustrative examples of "irregular" air transportation as therein defined, is being promulgated pursuant to section 205 (a) of the Civil Aeronautics Act and section 3 (a) of the Administrative Procedure Act. It is adopted as part of the regulations. Its purpose is to assist irregular air carriers to conduct their operations in conformity with the act and § 292.1 of the Economic Regulations.

In consideration of the foregoing, the Civil Aeronautics Board hereby issues the following interpretation of § 292.1.

Examples of Irregular Air Transportation within the meaning of § 292.1. For the guidance of Irregular Air Carriers and other interested parties the Board here sets forth a number of illustrative examples of irregular and regular service. All Irregular Air Carriers should study these examples, for the Board expects to use them as standards to apply to the operations of such Carriers.

It should be noted that all of the illustrations included here refer only to actual operations. Such operations indicate a course of conduct constituting the holding out of regular or irregular service, as the case may be. The holding out of regular service may also be brought about by means other than actual operations—for example, although its services are operated irregularly, a carrier may be holding out regular service by reason of the nature and extent of its advertising and traffic solicitation efforts. In other words, an Irregular Air Carrier is not immune from enforcement action if its actual operations are irregular but all the circumstances surrounding its business show that the carrier is holding out regular service.

The illustrations included represent application of the principles announced in Page Airways, Inc., Investigation, 6

C. A. B. 1061, Trans-Marine Airways, Inc., Investigation of Activities, 6 C. A. B. 1071, and Investigation of Non Scheduled Services, 6 C. A. B. 1049, and more particularly of the cease and desist order entered in the Matter of the Noncertificated Operations of Trans Caribbean Air Cargo Lines, Inc., Order Serial No. E-370, adopted March 14, 1947. This is emphasized because the Board is not attempting by revision of § 292.1 either to enlarge or contract the scope of operations permitted by the regulation.

(1) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
[1]	2	3	4	5	6	7
[8]	9	10	11	12	13	14
[15]	16	17	18	19	20	21
[22]	23	24	25	26	27	28
[29]	30	31				

Since these flights are conducted on the same day of each week, the service is not irregular within the meaning of the regulation. Moreover, if over a period of weeks an occasional Sunday flight is omitted, or is operated on some other day of the week, such minor variations in the general pattern of regularity would not cause the service to become an irregular service.

(2) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	1	[2]	3	[4]	5	6
7	8	[9]	10	[11]	12	13
14	15	[16]	17	[18]	19	20
21	22	[23]	24	[25]	26	27
28	29	[30]				

These flights are conducted regularly, twice a week, without frequent and extended definite breaks in service and are obviously not irregular within the meaning of the regulation. Moreover, if over a period of weeks an occasional flight is omitted, or is operated on some other day of the week, such minor variations in the general pattern of regularity would not cause the service to become an irregular service.

(3) An Irregular Air Carrier operates between points A and B, in one direction,

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on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	[1]	2	3	4
5	6	[7]	8	9	10	11
12	[13]	14	15	16	17	[18]
19	20	21	[22]	23	24	25
[26]	27	28	29	[30]		

These flights are conducted at regularly recurring periods, or substantially regular periods (every 4, 5 or 6 days), and therefore do not achieve infrequency and irregularity of service through frequent and extended definite breaks in service. Such service is not irregular within the meaning of the regulation.

(4) An Irregular Air Carrier operates between points A and B, in one direction,

on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	—	—	[1]	2
3	4	[5]	6	[7]	8	9
10	[11]	[12]	13	14	15	16
17	18	[19]	[20]	21	22	23
24	[25]	26	[27]	28	29	30
31						

S	M	T	W	T	F	S
—	1	[2]	3	[4]	5	6
7	8	9	[10]	11	12	[13]
14	15	16	17	18	19	20
21	[22]	23	24	[25]	26	27
[28]	29	30	[31]			

These flights are conducted twice a week in succeeding weeks without the intervention of other weeks or similar periods at irregular but frequent intervals during which no flights are operated. Such service is not irregular within the meaning of the regulation.

(5) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	—	—	[1]	2
[3]	[4]	5	[6]	7	[8]	9
10	11	[12]	[13]	14	15	16
17	[18]	19	[20]	21	[22]	23
24	25	26	27	28	29	30
[31]						

S	M	T	W	T	F	S
—	[1]	2	[3]	4	5	[6]
7	8	[9]	[10]	11	12	13
[14]	15	[16]	17	[18]	[19]	20
21	22	23	24	25	26	27
[28]	[29]	30				

In this pattern, unlike the preceding example, two breaks of at least a week occur within a two-month period. However, operations in the other weeks occur with such frequency that the breaks in service are not of sufficient frequency and extent to compensate for the substantial number of flights conducted with frequency over a substantial period. The flights are not irregular within the meaning of the regulation.

(6) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	—	—	[1]	2
5	6	[7]	8	9	[10]	11
12	13	14	15	16	17	18
19	20	[21]	22	23	[24]	25
26	27	[28]	[29]	30	31	

S	M	T	W	T	F	S
—	—	—	—	—	—	1
2	3	[4]	5	6	[7]	8
9	10	11	12	13	14	[15]
16	17	[18]	19	20	[21]	22
23	24	[25]	26	27	[28]	29
30	31					

The flights do not exceed two per week and the two-month period includes two definite breaks in service. However, in view of the frequent rendition of service on Tuesdays and Fridays the breaks in service and comparatively small number of flights operated are not sufficient

to destroy the pattern of regularity. The service is not irregular within the meaning of the regulation.

(7) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	1	[2]	3	[4]	5	[6]
7	[8]	9	[10]	11	[12]	13
14	15	16	17	18	19	[20]
21	[22]	23	[24]	25	[26]	27
[28]	29	[30]	31			

S	M	T	W	T	F	S
—	—	—	—	[1]	2	[3]
4	5	6	7	8	9	10
[11]	12	[13]	14	[15]	16	[17]
18	[19]	20	[21]	22	[23]	24
25	26	27	28	29	30	[31]

These flights are operated every other day except for infrequent breaks. Such service is not irregular within the meaning of the regulation.

(8) Four Large Irregular Air Carriers agree to utilize the services of a single ticket agency, XYZ Ticket Agency, Inc., with respect to service between points A and B, and to furnish to the agent the dates upon which each will operate between A and B. If the flights, considered in combination, of such carriers between A and B reveal a pattern of operations similar to those shown in examples (1) through (7) above, the combination of flights constitute regular air transportation and each such carrier is deemed to be conducting regular operations between A and B.

(9) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	[1]	2	3	4	5
6	7	8	[9]	10	11	12
13	14	15	16	[17]	18	19
20	21	22	23	24	25	[26]
27	[28]	29	30	31		

These flights are conducted on a different day of each week, and are operated only after frequent and definite breaks in service. Although two flights (on the 26th and 28th) were operated within one period of less than one week, this frequency was compensated for by the breaks of at least a week between the other flights. The flights are therefore irregular within the meaning of the regulation.

(10) An Irregular Air Carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table (numerals above and to the left of dates appearing in brackets indicate the number of flights operated on those dates)

S	M	T	W	T	F	S
—	1	2	3	4	5	6
7	8	[9]	[10]	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
[28]	29	30				

S	M	T	W	T	F	S
—	—	—	1	2	3	4
[5]	[6]	[7]	[8]	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	[29]	[30]	31	

These flights are conducted in such manner that frequent, extended and definite breaks in service occur at irregular intervals and therefore the service is irregular within the meaning of the regulation.

(Sec. 205 (a), 52 Stat. 934; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[P. R. Dec. 48-10353; Filed, Dec. 15, 1948; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. No. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

FILING PROCEDURES

Regulations No. 3, as amended (20 CFR, 1947 Sup., 403.1 et seq.) are further amended as follows:

1. Section 403.701 (f) is amended so that subparagraph (2) (iii) will read:

§ 403.701 *Filing of applications and other forms.* * * *

(i) *Time of filing applications for benefits.* * * *

(2) * * *

(iii) If the application is for primary insurance benefits or for recomputation of such benefits, in the case of a living wage earner (see § 403.304) and it is delivered to an office of the Bureau or to an employee of the Administration authorized to accept delivery thereof, or, in cases of applicants who are not residing in the United States, to an office maintained outside the United States by the United States Foreign Service, not more than three months before the first month for which the applicant becomes entitled, as of the date, not later than the third month following the month of delivery, which will result in entitlement to the greatest primary insurance benefits, and which will not cause the loss of benefits for any month. Where, however, the fixing of such date as the date of filing would cause a delay in certification of payment (see § 403.712 (a)) as determined at the time of delivery of the application or within a reasonable time thereafter, the application shall be considered to have been received as of the date of delivery, unless the applicant requests or it can be presumed he would request that the date of receipt be advanced beyond the date of delivery in accordance with this subdivision.

RULES AND REGULATIONS

2. Section 403.701 (f) is further amended by deleting the undesignated paragraph immediately preceding example 1.

3. Section 403.701 (f) is further amended by adding a new subparagraph (3) to read:

(3) An application for benefits beginning with a month other than the month in which the application is filed shall, for the purpose of determining whether the conditions of eligibility have been satisfied, have the same effect as though it had been filed in such other month.

4. Section 403.701 (f) is further amended by deleting examples 3 and 4.

(Sec. 205 (a) 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a) 1302; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 60 Stat. 1095; and 45 CFR, 1946 Sup., 1.21, interprets sec. 205 (a) 53 Stat. 1368, 42 U. S. C. 405 (a))

[SEAL] A. J. ALTMAYER,
Commissioner for Social Security.

Approved: December 10, 1948.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 48-10939; Filed, Dec. 15, 1948;
8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 48-59]

AIDS TO NAVIGATION

REVISION OF REGULATIONS

The regulations concerning Aids to Navigation were formerly published in Chapter IV of Title 33, Code of Federal Regulations; these regulations have been revised to effect editorial changes, to clarify their intent, and to incorporate statements of policy, long established procedures not heretofore published, and other requirements so that all regulations, procedures, and policies affecting the public will be codified and available in one place, insofar as practicable.

By virtue of the authority vested in me as Secretary of the Treasury by 60 Stat. 237, 5 U. S. C., Sup. 1001, et seq., as well as the statutes cited with the regulations below, the regulations in §§ 20.80-1 to 20.80-25, Subpart 20.80, Part 20, Subchapter A, Chapter I, Title 33, are cancelled, and the regulations in Subchapter C, Chapter I, Title 33, (formerly Chapter IV of this title) are revised to read as follows:

- Part
60 General.
62 United States Aids to Navigation System.
64 Marking of Wrecks.
66 Private Aids to Navigation.
68 Lighting of Bridges.
70 Interference with or Damage to Aids to Navigation.
72 Marine Information.

Part

74 Costs and Charges.

76 Sale and Transfer of Aids to Navigation Equipment.

CROSS REFERENCE: Corps of Engineers, Department of the Army, see Title 33, Chapter II.

PART 60—GENERAL

SUBPART 60.01—GENERAL PROVISIONS

Sec.

- 60.01-1 Basis and purpose.
60.01-5 Definitions.

AUTHORITY: §§ 60.01-1 to 60.01-5 Issued under 60 Stat. 237, 5 U. S. C., Sup., 1001 et seq.

§ 60.01-1 *Basis and purpose.* The aids to navigation system of the United States to serve marine commerce and the armed forces is administered by the Coast Guard. This subchapter contains the rules, regulations, and procedures related thereto.

§ 60.01-5 *Definition of terms.* Certain terms as used in this subchapter are defined as follows:

(a) *Aid to navigation.* The term aid to navigation means any device external to a vessel or aircraft intended to assist a navigator to determine his position or safe course, or to warn him of dangers or obstructions to navigation. Unless otherwise specified, the term aid to navigation as used in this subchapter means aid to marine navigation.

(b) *Commerce.* The term commerce or marine commerce as used in this subchapter includes seasonal passenger craft, yachts, house boats, fishing boats, motor boats, and other water craft whether or not operated for hire or profit.

(c) *Commandant.* The term Commandant means the Commandant of the Coast Guard.

(d) *Corps of Engineers.* The term Corps of Engineers means the Corps of Engineers, Department of the Army.

(e) *District Commander.* The term District Commander means the Commander of a Coast Guard District.

(f) *District Engineer.* The term District Engineer means the District Engineer, Corps of Engineers, Department of the Army.

(g) *Light station.* The term light station means a lighted aid to navigation on a fixed structure to which personnel are assigned for the purpose of watching the light.

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

SUBPART 62.01—ESTABLISHMENT OF AIDS TO NAVIGATION

Sec.

- 62.01-1 Maritime commerce.
62.01-5 Armed forces.
62.01-10 Federal agencies.
62.01-15 Anchorage areas.
62.01-20 Quarantine areas.
62.01-25 Danger areas.
62.01-30 Marking pierheads on the northern and northwestern lakes.
62.01-35 Markings for marine parades and regattas.

SUBPART 62.05—DISCONTINUANCE OF AIDS TO NAVIGATION

- 62.05-1 Minor aids to navigation.
62.05-5 Light stations.

SUBPART 62.10—RECOMMENDATIONS AND REQUESTS

Sec.

- 62.10-1 Marine commerce.
62.10-5 Armed forces.
62.10-10 Federal agencies.

SUBPART 62.15—REPORTING DEFECTS

- 62.15-1 Procedure.

SUBPART 62.20—FIXED STRUCTURES

Sec.

- 62.20-1 General.

SUBPART 62.25—BUOYS

- 62.25-1 General.
62.25-5 Colors.
62.25-10 Shapes.
62.25-15 Numbers.
62.25-20 Light color characteristics.
62.25-25 Light phase characteristics.
62.25-30 Intracoastal waterway identification.
62.25-35 Special purpose buoys.
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62.25-45 Minor lights and daybeacons.

SUBPART 62.30—LIGHTSHIPS

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62.30-5 Relief lightships.
62.30-10 Color and name.
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62.30-20 Caution.

SUBPART 62.35—MARINE RADIOBEACONS

- 62.35-1 General.
62.35-5 Continuous carrier operation.
62.35-10 Calibration service.
62.35-15 Radiobeacon charts.
62.35-20 Distance finding.
62.35-25 Caution.

SUBPART 62.40—LORAN

- 62.40-1 General.
62.40-5 Rate designation.
62.40-10 Charts, tables, and instruction books.
62.40-15 Signal warning.
62.40-20 Caution.

SUBPART 62.45—FOG SIGNALS

- 62.45-1 General.
62.45-5 Identification.
62.45-10 Periods of operation.
62.45-15 Caution.

AUTHORITY: §§ 62.01-1 to 62.45-15 issued under Pub. Law 786, 80th Cong. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

SUBPART 62.01—ESTABLISHMENT OF AIDS TO NAVIGATION

§ 62.01-1 *Maritime commerce.* The establishment, maintenance, and operation of aids to navigation by the Coast Guard to serve the needs of the marine commerce of the United States may be authorized by the Commandant to mark the navigable waters of the United States or those waters on which aids to navigation had been established on 26 June 1948. Any such aid to navigation to be established, maintained, and operated by the Coast Guard must be necessary for the safety of navigation and must be justified in terms of the general public benefit derived therefrom.

§ 62.01-5 *Armed forces.* (a) The Coast Guard will establish, maintain, and operate aids to marine navigation to serve the needs of the armed forces upon request of the military authority having jurisdiction over the area concerned. (See § 62.10-5.)

(b) The Coast Guard will establish, maintain, and operate aids to air navigation.

gation required to serve the needs of the armed forces upon the request of the secretary of the appropriate department within the National Military Establishment. (See § 62.10-5.)

(c) The Coast Guard will establish, maintain, and operate Loran stations to serve the needs of the armed forces upon request of the Chief of Naval Operations, the Chief-of-Staff, U. S. Army, or the Chief-of-Staff, U. S. Air Force. (See § 62.03-5)

§ 62.01-10 *Federal Agencies.* The Coast Guard will establish, maintain and operate aids to navigation to serve the needs of federal agencies, other than the armed forces, as follows:

(a) Any aid to navigation which is necessary for the safety of navigation and which can be justified in terms of the general public benefit derived therefrom will be established and maintained from Coast Guard appropriations.

(b) Any aid to navigation which is for the primary benefit of a federal agency will be established and maintained by the Coast Guard on a reimbursable basis. The charges will be determined in accordance with Part 74 of this chapter.

(c) Any federal agency desiring to establish and maintain its own aids to navigation shall follow the procedure described in Part 66 of this chapter.

§ 62.01-15 *Anchorage areas.* Anchorage areas in the waters of the United States which have been defined and established by proper authority in accordance with 33 CFR 209.270 are marked by the U. S. Coast Guard. (42 Stat. 844; 33 U. S. C. 472)

§ 62.01-20 *Quarantine areas.* Upon request of the District Director, U. S. Public Health Service, the Coast Guard will mark quarantine anchorage areas designated by the Surgeon General, U. S. Public Health Service. (42 Stat. 844; 33 U. S. C. 472)

§ 62.01-25 *Danger areas.* The Coast Guard will appropriately mark, at the request of the cognizant District Engineer, special danger areas which have been so designated in accordance with 33 CFR 209.280.

§ 62.01-30 *Marking piers and headlands on the northern and northwestern lakes.* The Coast Guard will mark all piers and headlands belonging to the United States situated on the northern and northwestern lakes whenever the District Commander is notified by the District Engineer, that the construction of any such pierhead has been completed. (Sec. 6, 36 Stat. 538; 33 U. S. C. 735)

§ 62.01-35 *Markings for marine parades and regattas.* (a) For the purpose of protecting life and property the Commandant may authorize the establishment of aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard under provisions of the act of April 28, 1908, as amended (46 U. S. C. 454, 455, 456, 457).

(b) Any aids to navigation authorized in accordance with paragraph (a) of this section will consist of standard type Coast Guard aids to navigation, except, however, the Coast Guard will place spe-

cial type markings in lieu of Coast Guard aids to navigation: *Provided*, The sponsors of the regatta or marine parade furnish and deliver the markers they desire together with any special appurtenances to a mutually agreed upon location at no expense to the federal government. The Coast Guard, in placing and maintaining such special type markings will assume no responsibility for them, nor will it expend funds or perform other than minor repair services to maintain their condition.

(c) The maintenance of any aids to navigation established in accordance with the foregoing paragraphs will be limited to the period of the marine parade or regatta.

(d) The locating of such markings will be made by the methods commonly employed by the Coast Guard. Any special surveys required must be arranged for by the sponsors of the marine parade or regatta at no expense to the Coast Guard.

(e) All aids to navigation established to mark race courses, regattas, marine parades, or other water events, other than those established by the Coast Guard as provided for in paragraphs (a) and (b) of this section shall be considered private aids to navigation, and shall be regulated as prescribed in Part 66 of this chapter.

SUBPART 62.05—DISCONTINUANCE OF AIDS TO NAVIGATION

§ 62.05-1 *Minor aids to navigation.* The Commandant may change or discontinue any Coast Guard aid to navigation, except a light station, when in his opinion the conditions for which the aid was established have changed, or the aid has become useless or unnecessary.

§ 62.05-5 *Light stations.* The Secretary of the Treasury, on the recommendation of the Commandant, may discontinue any light station that may become useless or unnecessary. Any light station thus discontinued may be reestablished by the Secretary of the Treasury, upon like recommendation, whenever such reestablishment is required by the public interest. (Sec. 2, 22 Stat. 56; 14 U. S. C. 93)

SUBPART 62.10—RECOMMENDATIONS AND REQUESTS

§ 62.10-1 *Marine commerce.* Requests and recommendations pertaining to the aids to navigation system, or reports of aids to navigation no longer needed should be mailed to the District Commander concerned, or to the Commandant, U. S. Coast Guard, Washington 25, D. C. Requests or recommendations for improvements should be supported with information on the following in order to justify the action proposed:

(a) Quantity, type, capacity and value of vessels, involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night.

(b) Where practicable, the type of navigating devices, such as compasses, radio direction finders, radar, loran, and searchlights, with which such vessels are equipped.

(c) The number of passengers, and type, quantity, and value of cargo involved.

(d) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement.

§ 62.10-5 *Armed Forces.* (a) Requests for the establishment of aids to air navigation or Loran service should be addressed to the Commandant (see § 62.01-5 (b) and (c)). Requests for the establishment of other aids to navigation should be addressed to the appropriate District Commander (see § 62.01-5 (a)).

(b) Requests and recommendations concerning any aid to navigation maintained by the Coast Guard should be addressed to the appropriate District Commander.

(c) Requests and recommendations should be made as far in advance as possible of the time of actual need in order that the funds required may be considered in preparing Coast Guard budget estimates. When funds are not readily available in the Coast Guard for the accomplishment of any aids to navigation work requested, the Coast Guard will proceed with such work if the funds necessary are transferred to the Coast Guard.

§ 62.10-10 *Federal agencies.* Requests and recommendations from federal agencies other than the armed forces for the establishment or improvement of aids to navigation should be addressed to the appropriate District Commander.

SUBPART 62.15—REPORTING DEFECTS

§ 62.15-1 *Procedure.* Mariners are requested to notify immediately the nearest District Commander of any defects observed in an aid to navigation. Radio messages should be prefixed "COAST GUARD" and transmitted directly to one of the United States Government shore radio stations listed under "Communications" in the "Navy Hydrographic Bulletin" or under section 497 of "Radio Aids to Navigation" (HO-205) for relay to the District Commander. If the radio call sign of the nearest United States Government radio station is not known, radio-telegraph communication may be established by the use of the general call "NCG" on the frequency of 500 kilocycles. Merchant ships may send messages relating to defects noted in aids to navigation through commercial facilities only when they are unable to contact a United States Government shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

SUBPART 62.20—LIGHTS ON FIXED STRUCTURES

§ 62.20-1 *General.* Lights on fixed structures are aids to navigation placed on shore or marine sites to assist a navigator to determine his position or safe course, to mark channels and to warn him of dangers or on obstructions to navigation. They are identified by their light color and flashing characteristics at night, and by the color and construction of the structure during day time. The location, description and character-

istic of lights on fixed structures are published in the Light Lists.

SUBPART 62.25—BUOYS

§ 62.25-1 *General.* The waters of the United States are marked for safe navigation by the lateral system of buoyage. This system employs a simple arrangement of colors, shapes, numbers, and light characteristics to show the side on which a buoy should be passed when proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward toward the head of navigation. As all channels do not lead from seaward, arbitrary assumptions must at times be made in order that the system may be consistently applied. The characteristics of buoys are based on the assumption that proceeding in a southerly direction along the Atlantic coast, in a northerly and westerly direction along the Gulf Coast, in a northerly direction on the Pacific Coast, and in a northerly and westerly direction on the Great Lakes is proceeding from seaward. On the Intracoastal Waterway proceeding in a general southerly direction along the Atlantic coast, and in a general westerly direction along the Gulf coast is considered as proceeding from seaward. On the Mississippi and Ohio Rivers and their tributaries the aids to navigation characteristics are determined as proceeding from sea towards the head of navigation although local terminology describes "left bank" and "right bank" as proceeding with the flow of the river. (R. S. 4678; 33 U. S. C. 734)

§ 62.25-5 *Colors.* When proceeding from seaward: (a) Black buoys mark the port (left) sides of channels, or the location of wrecks or obstructions which must be passed by keeping the buoy on the port (left) hand.

(b) Red buoys mark the starboard (right) sides of channels, or the location of wrecks or obstructions which must be passed by keeping the buoy on the starboard (right) hand.

(c) Red and black horizontally banded buoys mark junctions or bifurcations in the channel, or wrecks or obstructions which may be passed on either side. If the topmost band is black, the preferred channel will be followed by keeping the buoy on the port (left) hand. If the topmost band is red, the preferred channel will be followed by keeping the buoy on the starboard (right) hand. (Note: when proceeding toward seaward, it may not be possible to pass on either side of these buoys, and the chart should always be consulted.)

(d) Black and white vertically striped buoys mark the fairway or midchannel and should be passed close to, on either side. (R. S. 4678; 33 U. S. C. 734)

§ 62.25-10 *Shapes.* In order to provide ready identification certain unlighted buoys are differentiated by shape.

(a) Red buoys, or red and black horizontally banded buoys with the topmost band red are conical shaped and called nun buoys.

(b) Black buoys, or red and black horizontally banded buoys with the top-

most band black are cylindrical shaped and called can buoys.

(c) Black and white vertically striped buoys may be either nun or can buoys. The shape has no significance in this case. Lighted buoys, sound buoys, and spar buoys are not differentiated by shape to indicate the side on which they should be passed. No special significance is attached to the shapes of these buoys, their purpose being indicated only by the coloring, numbering, or light characteristics.

§ 62.25-15 *Numbers.* (a) All solid red and solid black buoys are numbered, the red buoys bearing even numbers and the black buoys bearing odd numbers, the numbers for each increasing from seaward. The numbers are kept in approximate sequence on both sides of a channel by omitting numbers where required.

(b) No other color buoys are numbered; however, any color buoy may be lettered for the purpose of identification. (R. S. 4678; 33 U. S. C. 734)

§ 62.25-20 *Light color characteristics.* Red lights on buoys are used only on red buoys or red and black horizontally banded buoys with the topmost band red. Green lights on buoys are used only on black buoys or red and black horizontally banded buoys with the topmost band black. White lights on buoys are used on any color buoy. No special significance is attached to a white light on a buoy, the purpose of the buoy being indicated by its color, number, or its light phase characteristic.

§ 62.25-25 *Light phase characteristics.* (a) Lights on red buoys or black buoys, if not fixed, will always be regularly flashing or regularly occulting. For ordinary purposes the frequency of flashes will be not more than 30 per minute (slow flashing). For purposes when it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel, or to mark wrecks or dangerous obstructions, the frequency of flashes will be not less than 60 per minute (quick flashing).

(b) Lights on red and black horizontally banded buoys will always show a series of quick flashes interrupted by eclipses about 8 times per minute (interrupted quick flashing).

(c) Lights on black and white vertically striped buoys will always show a white short-long flash, this combination recurring at the rate of about 8 times per minute.

§ 62.25-30 *Intracoastal Waterway identification.* (a) Intracoastal Waterway aids to navigation have characteristic yellow markings which distinguish them from aids to navigation marking other waters. Buoys and single piles have a yellow band at the top; daymarks have a yellow border.

(b) When the Intracoastal Waterway route coincides with another waterway, such as a river on which the aids to navigation are marked from the sea to the head of navigation according to the lateral system of buoyage, special markings are used consisting of yellow squares or

yellow triangles painted on a conspicuous part of such dual-purpose aids to navigation. A yellow triangle on an aid to navigation indicates that the aid must be left on the starboard side, and a yellow square on an aid indicates that it must be left on the port side, regardless of the color or number of the aid, when traversing the Intracoastal Waterway route from north to south on the Atlantic coast and from east to west along the Gulf Coast.

§ 62.25-35 *Special purpose buoys.* (a) Buoys for special purposes which have no lateral significance are colored as follows. White buoys mark anchorage areas. Yellow buoys mark quarantine anchorage areas. White buoys with green tops are used in connection with dredging and survey operations. White and black alternate horizontally banded buoys mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically, are for special purposes to which neither the lateral system colors nor the other special purpose colors apply. Yellow and black vertically striped buoys are used for seadrome markings and have no marine significance.

(b) The shape of special purpose buoys has no significance. They are not numbered, but may be lettered. They may display any color light except red or green. Only fixed, occulting, or slow flashing characteristics are used. This section does not apply to aids to navigation marking floating plant moorings which shall be lighted with fixed red lights as prescribed by 33 CFR 201.11.

§ 62.25-40 *Buoys marking wrecks.* Buoys established by the Coast Guard to mark wrecks are generally placed on the seaward or channel side of the wreck and as near to the wreck as conditions will permit.

§ 62.25-45 *Minor lights and daybeacons.* Minor lights and daybeacons used to mark the sides of channels are given numbers and characteristics in accordance with the lateral system of buoyage.

§ 62.25-50 *Caution.* (a) Buoys are liable to be carried away, shifted, capsized, sunk, etc., lighted buoys may be extinguished or sound buoys may not function as the result of storm, the accumulation of ice, running ice or other natural causes, collision or other accident.

(b) For the foregoing reasons, mariners should not rely completely upon the position or operation of floating aids to navigation, but should also utilize bearings from fixed objects and aids to navigation on shore.

(c) Station buoys are sometimes placed in close proximity to a major aid to mark the station in case the regular aid is accidentally shifted from station. Station buoys are colored and numbered the same as the regular aid to navigation. Lightship station buoys bear the letters "LS" above the initials of the station.

SUBPART 62.30—LIGHTSHIPS

§ 62.30-1 *General.* Lightships are aids to navigation placed in exposed locations where it is impractical to con-

struct fixed aids to navigation. They provide light, fog, and radiobeacon signals, and are distinguished from each other by the characteristics of their signals in the same manner as any other aid to navigation. The characteristics of the various lightships are given in the Light Lists.

§ 62.30-5 *Relief lightships.* Relief lightships may be placed at any of the lightship stations, and, when practicable, exhibit light, sound and radiobeacon signals having the same characteristic of the station.

§ 62.30-10 *Color and name.* All lightships, except Lake Huron Lightship, are painted red with the name of the station in white on both sides; Lake Huron Lightship is painted black with the name of the station painted in white on both sides. Relief lightships are painted the same color as the regular station ships, with the word "RELIEF" in white letters on both sides.

§ 62.30-15 *Identification.* Lightships, especially relief lightships, will display the international code signal of the station whenever a vessel is approaching or is in the vicinity and there are any indications that such a vessel is in strange waters or fails to recognize the station, or whenever a vessel asks for the information.

§ 62.30-20 *Caution.* Because of casualties and near casualties to lightships, all mariners are cautioned that courses should invariably be set to pass lightships with sufficient clearance to avoid possibility of collision from any cause. Experience shows that lightships cannot be safely used as leading marks to be passed close aboard, but should invariably be left broad off the course whenever searoom permits. When approaching a lightship on radio bearings, the risk of collision will be avoided by insuring that the radio bearing does not remain constant.

SUBPART 62.35—MARINE RADIOBEACONS

§ 62.35-1 *General.* Marine radiobeacons operate during periods of fog or low visibility and in clear weather during specific intervals as published in Coast Guard Light Lists. For station identification simple characteristics consisting of combinations of dots and dashes are used. Certain low-power marine radiobeacons use combinations of high and low-tone dashes to provide additional distinction in their characteristic. The characteristics of marker radiobeacons is composed of groups or series of dashes or by a continuous signal for part of a 30 second cycle which is followed by a silent period to complete the 30 second cycle. Marine radiobeacons are divided into classes depending on their transmitting power. Class A radiobeacons give reliable average range of 200 miles; Class B give reliable average range of 100 miles; Class C give reliable average range of 20 miles; and Class D (marker radiobeacons) give reliable average range of 10 miles. All Coast Guard marine radiobeacons operate within the frequency band 285-315 kilocycles.

§ 62.35-5 *Continuous carrier operation.* Certain radiobeacons have been

modified to transmit with the station characteristic code superimposed on a continuous carrier. This operation is for the purpose of extending the usefulness of these marine radiobeacons to aircraft and ships employing automatic direction finders.

§ 62.35-10 *Calibration service.* Radiobeacon stations and calibration stations, as listed in the current editions of the Coast Guard Light Lists, will broadcast for the purpose of enabling vessels to calibrate their direction finders upon request either to the cognizant District Commander or, if time does not permit, directly to the radiobeacon or calibration station. Signals for requesting calibration service are described in the current editions of the Coast Guard Light Lists. In the case of radiobeacon stations, transmission for calibration purposes will be continuous without the two minute silent interval unless another station in the same frequency group is in operation at the time, in which case calibration operation will be "1 minute on, 2 minutes off." Transmission from calibration stations for calibration purposes will always be continuous.

§ 62.35-15 *Radiobeacon charts.* Radiobeacon system charts of a size suitable for posting in the pilot house of vessels or elsewhere near the radio direction finder, are issued to vessels upon request to any District Commander, or to the Commandant. These charts show the general location of the marine radiobeacons, their operating codes, frequencies, power, and schedules, as well as the grouping and sequence of operation.

§ 62.35-20 *Distance finding.* At certain radiobeacon stations the radiobeacon signal and sound signal are synchronized for distant finding. Distance finding from these stations is based on the principle of determining the time difference in receipt of the radiobeacon signal and the sound signal which are transmitted from the station simultaneously. Direction finding stations are listed in the current editions of the Coast Guard Light Lists. These publications also describe the method of using distance finding stations.

§ 62.35-25 *Caution.* Caution must be used in approaching radiobeacons on radio bearings, and care must be taken to set courses to pass safely clear. The risk of collision will be avoided by insuring that the radio bearing does not remain constant. This caution is applicable to those lightships and stations on submarine sites which are passed close to.

SUBPART 62.40—LORAN

§ 62.40-1 *General.* Standard loran is an electronic aid to navigation by means of which navigators on or over the ocean can determine their position accurately and quickly, day or night, and under practically any condition of weather and sea. A loran line of position is determined by measuring the time difference in receipt of synchronized electromagnetic wave pulses from two transmitting stations. A position fix may be determined by crossing a loran line of position with another loran line, sun line, star

line, or other normal line of position. The reliable average daytime range of loran is 700 miles using ground waves and 1,400 miles nighttime range using sky waves. Loran is usable only by vessels or aircraft equipped with a loran receiver-indicator and loran charts or tables.

§ 62.40-5 *Rate designation.* The loran signals transmitted from two paired transmitting stations determine a loran rate. Loran rates are given designators consisting of a single digit number followed by either the letter "L" or the letter "H," followed by another single digit number. The first digit indicates the frequency channel of the rate and the letter and final digit designate the pulse recurrence rate, i. e., the number of pulses per second transmitted.

§ 62.40-10 *Charts, tables, and instruction books.* Loran charts, tables and operating instruction books are published by the Hydrographic Office, Navy Department, Washington 25, D. C., and may be obtained upon request at nominal cost. These instructions, tables and charts contain complete descriptions of the loran system and service available. General coast charts of the United States with loran lines printed on the reverse side are published by the U. S. Coast and Geodetic Survey.

§ 62.40-15 *Signal warning.* When loran signals are not synchronized or for any other reason are not satisfactory for navigation, one of the two signals on the unsatisfactory rate will "blink," i. e., the signal will appear and disappear alternately. Under no circumstances should a loran rate which is blinking be used for navigation purposes.

§ 62.40-20 *Caution.* Caution must be used in matching loran signals to insure that the ground wave signal of one station is not matched with a sky wave signal of the other station of the rate. Tables and charts are computed for determination of position from matching ground waves with ground waves or sky waves with sky waves.

SUBPART 62.45—FOG SIGNALS

§ 62.45-1 *General.* The function of a fog signal in the system of aids to navigation is to warn of danger, and to provide the mariner with a practical means of determining his position with relation to the fog signal station at such times as the station or any visual signal which it displays is obscured from view by fog, snow, rain, smoke or thick weather. Among the devices in common use as fog signals are diaphones, diaphragms, horns, reed horns, sirens, whistles, bells and gongs. (Radiobeacons are treated separately under subpart 62.35.)

§ 62.45-5 *Identification.* Fog signals are distinguished by their characteristics as specified in the Light Lists. The characteristic of a fog signal is described by its tone and signal characteristics. Its tone is determined by the device used to create the sound, such as diaphone, siren, bell, etc. The signal characteristic is the phase relationship of the recurring sound emissions. Fog signals on fixed stations and lightships produce a specific number

of blasts and silent periods each minute, when operating, to provide positive identification; fog signals on buoys are generally actuated by the motion of the sea and, therefore, do not emit regular signal characteristics, and when the sea is calm, may emit no sound signals.

§ 62.45-10 *Periods of operation.* (a) Fog signals at stations where a continuous watch is maintained are sounded when the visibility decreases to 5 miles, and also whenever the fog whistle of a passing vessel is heard.

(b) Fog signals at locations where no watch is maintained are operated continuously unless otherwise stated in the Light List for any particular aid to navigation.

(c) Fog signals on buoys are generally operated by the motion of the sea.

§ 62.45-15 *Caution.* Mariners are cautioned that the hearing of fog signals cannot be implicitly relied upon. Experience indicates:

That distance must not be judged only by the intensity of the sound.

That occasionally there may be areas close to a fog signal in which it is not heard, and, that the mariner must not assume that a fog signal is not operating because he does not hear it.

That fog may exist not far from a station, and yet not be seen from it, and that, therefore, the signal may not be in operation.

PART 64—MARKING OF WRECKS

SUBPART 64.01—DUTY OF OWNER

Sec.

- 64.01-1 Markings required.
- 64.01-5 When effective.
- 64.01-10 Report required.

SUBPART 64.05—ACTION BY COAST GUARD

- 64.05-1 Marking of wreck by Coast Guard.
- 64.05-5 Responsibility of the Federal Government.
- 64.05-10 Marking of wreck after abandonment.

SUBPART 64.10—COMMUNICATIONS

- 64.10-1 Communication with owner.
- 64.10-5 Notice of abandonment.

SUBPART 64.15—CHARGES FOR MARKING WRECKS

- 64.15-1 Charges invoiced to owner.
- 64.15-5 Charges invoiced to U. S. Corps of Engineers.

AUTHORITY: §§ 64.01-1 to 64.01-5 issued under sec. 15, 30 Stat. 1152; 33 U. S. C. 409. §§ 64.01-10 to 64.15-5 issued under R. S. 4676 as amended; 33 U. S. C. 736. Statutes interpreted or applied and statutes giving special authority are cited in parenthesis at the end of affected sections.

SUBPART 64.01—DUTY OF OWNER

§ 64.01-1 *Markings required.* When a vessel, raft, or other craft is wrecked and sunk, accidentally or otherwise, in the navigable waters of the United States and becomes an obstruction to navigation the owner thereof has a non-delegable statutory duty to mark immediately such sunken obstruction with a buoy or daymark during the day and a lighted lantern at night, and to maintain these required markings until the sunken craft is removed or abandoned, or abandonment is otherwise determined by the Corps of Engineers in accordance

with 33 CFR 209.190. Such markings shall conform to the lateral system of buoyage characteristics (see subpart 62.25 of this chapter) *Provided*, That until the owner has the opportunity to establish such standard markings he shall maintain the most suitable markings available under the circumstances which will warn the navigator of the sunken wreck.

§ 64.01-5 *When effective.* The duty of the owner of a sunken wreck to immediately mark the obstruction shall be effective when he has actual or constructive knowledge that his vessel, raft or other craft has been sunk.

§ 64.01-10 *Report required.* In accordance with 46 CFR 136.03, the owner, agent, master, or person in charge of such vessel shall notify the nearest U. S. Coast Guard Marine Inspection Office of the casualty as soon as possible, and in addition, shall advise of the action he is taking to comply with § 64.01-1, giving the following information:

- (a) Name of wreck or description of obstruction.
- (b) Accurate location of obstruction.
- (c) Depth of water over obstruction.
- (d) Location and type of marking established including color and shape of daymark or buoy, and color and characteristic of light.

(R. S. 4450, as amended; 46 U. S. C. 239)

SUBPART 64.05—ACTION BY COAST GUARD

§ 64.05-1 *Marking of wreck by Coast Guard.* Upon receipt of information of the existence of a sunken wreck the Officer in Charge, Marine Inspection, shall immediately notify the District Commander and the District Engineer within whose jurisdictions the sunken wreck is located. The District Commander shall determine whether the sunken obstruction is marked in accordance with § 64.01-1, and if such wreck is not marked, or if in his judgment not suitably marked for the protection of navigation, he may suitably mark the same for the protection of navigation until such time as the wreck has been removed or its abandonment established; the cost of such marking shall be borne by the owner.

§ 64.05-5 *Responsibility of the Federal Government.* The United States of America by or through the Coast Guard will not, directly or indirectly, assume any responsibility or accountability for the marking a wreck sunk in the navigable waters of the United States, or elsewhere, regardless of whether such wreck is or is not abandoned by the owner thereof, until (1) An accurate and authentic description and location of the sunken wreck is furnished to the District Commander in whose jurisdiction the wreck is located and (2) An appropriate marker has been established by the Coast Guard.

§ 64.05-10 *Marking of wreck after abandonment.* When the abandonment of a sunken wreck has been established the District Engineer will notify the District Commander in whose jurisdiction the wreck is located of the exact time when the United States assumes charge

of a wreck or other menace to navigation, and whether he desires the Coast Guard to mark or to continue to mark such obstruction for the Department of the Army. The District Commander will mark or continue to mark any such sunken wreck at the request of the District Engineer, and will maintain such markings until requested to discontinue them by the District Engineer. The cost of such markings from the time the United States assumes charge of the wreck shall be borne by the Department of the Army.

SUBPART 64.10—COMMUNICATIONS

§ 64.10-1 *Communication with owner.* Communications with the owner of the obstruction pursuant to this section shall be addressed to his usual or last known place of business or to his local representative, if any. If the wreck is owned by other than an American citizen, communications shall be addressed to the owners agent or representative in the United States and to the consular representative of the nation of which the owner is a citizen. Communications shall be by the method considered appropriate for the circumstances.

§ 64.10-5 *Notice of abandonment.* Notice of abandonment of a sunken wreck should be addressed to the District Engineer in whose jurisdiction the wreck is located, with a copy of such notice being sent to the District Commander of the same area. Notice of abandonment addressed only to the District Commander in whose jurisdiction the wreck is located does not constitute proper address of the notice, and is ineffective as notice of abandonment until the District Commander to whom it is addressed delivers the notice to the proper District Engineer.

SUBPART 64.15—CHARGES FOR MARKING WRECKS

§ 64.15-1 *Charges invoiced to owner.* Charges for the marking of a sunken wreck by the Coast Guard will be invoiced to the owner thereof at the actual cost to the Coast Guard if performed by contract, or according to the charges set forth in tables A and B of Part 74 of this chapter if performed by the Coast Guard, and shall begin with the date of marking and continue until notice is received by the District Commander from the District Engineer that the wreck has been removed and no longer constitutes a menace to navigation, or that its abandonment has been established. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck in accordance with § 64.05-10.

§ 64.15-5 *Charges invoiced to U. S. Corps of Engineers.* Charges for the marking of sunken wrecks by the Coast Guard for the Department of the Army in accordance with § 64.05-10 shall be invoiced to the District Engineer. Charges shall be determined from tables A and B of Part 74 of this chapter.

PART 66—PRIVATE AIDS TO NAVIGATION

SUBPART 66.01—GENERAL

Sec.	
66.01-1	Basic provisions.
66.01-5	Application procedure.
66.01-10	Characteristics.
66.01-15	Classification.
66.01-20	Inspection.
66.01-25	Removal when required by the Coast Guard.
66.01-30	Permit.
66.01-35	Marking of structures.
66.01-40	Exemptions.
66.01-45	Penalty.
66.01-50	Protection of private aids to navigation.

AUTHORITY: §§ 66.01-1 to 66.01-45 issued under sec. 3, 34 Stat. 824 as amended; 33 U. S. C. 759.

SUBPART 66.01—GENERAL

§ 66.01-1 *Basic provisions.* No person, company, corporation, or municipality not under the control of the Commandant shall establish, erect, or maintain in the navigable waters of the United States any light as an aid to navigation, or any other aid to navigation similar to any of those maintained by the Coast Guard without obtaining permission to do so from the Commandant, nor shall any person, company, corporation, or municipality, change, move, or discontinue any private aid to navigation so authorized without first obtaining permission to do so from the Commandant.

§ 66.01-5 *Application procedure.* Application to establish, maintain, move, change, or discontinue a private aid to navigation shall be made to the Commander of the Coast Guard District in which the private aid to navigation is or will be located on forms which will be provided upon request. The applicant shall complete all parts of the form applicable to the aid to navigation concerned, and shall forward the application in quadruplicate to the District Commander. The following information is required:

(1) The proposed position of the aid to navigation by two or more horizontal angles, or bearings and distance from charted landmarks. A section of chart showing the proposed location of the aid to navigation should be included.

(2) The name and address of the person at whose expense the aid will be maintained.

(3) The name and address of the person who will have direct charge of the aid to navigation.

(4) The time and dates during which it is proposed to operate the aid.

(5) The necessity for the aid.

(6) For lights: the kind of lantern, characteristic, illuminant, color, height above water, visibility in miles.

(7) For fog signals: Type (whistle, horn, bell, etc.) and characteristic.

(8) For buoys or daybeacons: shape, color, number or letter, depth of water in which located or height above water.

§ 66.01-10 *Characteristics.* The characteristics of a private aid to navigation shall conform to the standard United States system of aids to navigation characteristics described in subpart 62.25 of this chapter.

§ 66.01-15 *Classification.* The District Commander receiving the application

will forward it to the Commandant with a recommendation, and will assign the aid one of the following classifications:

Class I: Aids to navigation on waterworks, cribs, piers, and similar structures where owners are legally obligated to maintain suitable aids.

Class II: Aids to navigation in navigable waters of the United States used by general navigation and on which aids to navigation are also maintained by the Coast Guard as a part of the marking of the same channel.

Class III: Aids to navigation similar to Coast Guard aids to navigation located in waters not ordinarily used for general navigation.

Class IV: Aids to navigation used for a short period of time. Lights and fog signals on ferry slips and on piers used only by certain vessels. Aids to navigation differing from Coast Guard aids to navigation and marking shallow or little-used channels.

§ 66.01-20 *Inspection.* All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer. Class I and II private aids to navigation will be inspected at least once each year. Class III and IV private aids to navigation will be inspected at least once every 3 years.

§ 66.01-25 *Removal when required by the Coast Guard.* Private aids to navigation which may have been authorized by the Commandant, shall be removed without expense to the United States by the person, company, corporation, or municipality establishing or maintaining such aids when so directed by the Commandant.

§ 66.01-30 *Permit.* Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the Corps of Engineers, in accordance with the provisions of 33 CFR 209.130. The application to establish any private aid to navigation coming within the purview of this section shall show evidence of the required permit having been issued by the Corps of Engineers.

§ 66.01-35 *Marking of structures.* Whenever any permit for the placing of structures, including mooring buoys, in the navigable waters of the United States, or excavating or depositing material therein, issued by the Corps of Engineers, in accordance with 33 CFR 209.130 prescribes that if the display of such lights and other signals on any work authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Coast Guard shall be installed and maintained by and at the expense of the owner, the permittee shall apply to the District Commander having jurisdiction over the waters in which the work is or will be executed for determination of the lights and other signals to be displayed. No regulations describing the lights or other signals required to mark any such work or obstruction, except bridges, floating plant moorings, and fishing structures, are published. Each case is considered individually by the District Commander who will prescribe such lights and signals as he may consider necessary for the safety of navigation.

The characteristics of such lights and signals shall comply as nearly as possible to the United States lateral system described in Part 62 of this chapter. Upon being advised of the lights and other signals required the permittee shall prepare and submit an application in accordance with § 66.01-5.

§ 66.01-40 *Exemptions.* Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the lighting of bridges over navigable waters of the United States (33 CFR 68) aids to navigation marking floating plant moorings (33 CFR 201.13), aids to navigation marking fishing structures (33 CFR 209.140 (q)) or aids to navigation marking wrecks sunk in the navigable waters of the United States (33 CFR 64)

(b) Persons establishing and maintaining aids to navigation in compliance with any of the aforementioned regulations are exempted from the provisions of §§ 66.01-5 and 66.01-35.

§ 66.01-45 *Penalty.* Any person violating the provisions of this Part shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$100 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

§ 66.01-50 *Protection of private aids to navigation.* Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstructions as is afforded by law to Coast Guard aids to navigation (see subpart 68.01 of this chapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are situated, or to the Commandant. (Sec. 8, 38 Stat. 928, as amended; 33 U. S. C. 762)

PART 68—LIGHTING OF BRIDGES

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Sec.	
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SUBPART 68.20—SPECIAL CONDITIONS

- Sec.
68.20-1 Bridges crossing channels obliquely.
68.20-5 Lights on sheer booms.
68.20-10 Modification of requirements.
68.20-15 Bridges infrequently used and unusual cases.

AUTHORITY: §§ 68.01-1 to 68.20-15 (with the exceptions cited in parentheses following sections affected) issued under sec. 1, 22 Stat. 309, as amended, sec. 4, 34 Stat. 85; as amended; 33 U. S. C. 494.

SUBPART 68.01—BASIC PROVISIONS

§ 68.01-1 *General requirement.* All persons owning, occupying, or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights required for the safety of marine navigation as may be prescribed by the Commandant, and, on bridges constructed between March 23, 1906, and August 2, 1946, or any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

§ 68.01-5 *Penalty for failure to maintain.* Any such person required to maintain lights upon any bridge or abutments over or in the navigable waters of the United States who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding the sum of \$100 for each offense. Each day during which such violation shall continue shall be considered as a new offense. (Sec. 5, 35 Stat. 162; 33 U. S. C. 760)

§ 68.01-10 *Interference or obstruction prohibited.* No person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part. (Sec. 8, 38 Stat. 928; 33 U. S. C. 762)

§ 68.01-15 *Penalty for interference or obstruction.* Any person violating the provisions of § 68.01-10 of this chapter shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$500 for each offense. Each day during which such violation shall continue shall be considered a new offense. (Sec. 8, 38 Stat. 928, sec. 6, 35 Stat. 162; 33 U. S. C. 761, 762)

SUBPART 68.05—PROCEDURE

§ 68.05-1 *Obtaining information.* Persons desiring information concerning the lighting of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant. A booklet entitled "Regulations for Lighting Bridges" which contains all the regulations promulgated in this chapter and, in addition, color plates illustrating the various requirements will be sent, free of charge, upon request.

§ 68.05-5 *Application procedure.* Approval of lights and other signals required shall be obtained, prior to construction, from the District Commander of the area in which the structure will be situated. Application shall be by letter accompanied by duplicate sets of drawings showing (1) plan and elevation

of the structure showing lights and signals proposed, and (2) small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

§ 68.05-10 *Action by Coast Guard.* (a) The District Commander receiving the application will approve the lights proposed or mark on the drawings the lights required, and cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) When the permit issued by the Secretary of the Army for the erection of a bridge after August 2, 1946, provides "that if the display of any lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard shall be installed and maintained by and at the expense of the owner," the District Commander will prescribe any additional signals which he may consider necessary for the protection of navigation.

(c) Upon approval, one set of drawings will be returned to the applicant with the notation "Navigational lights approved as shown," date, and name and title of the District Commander.

SUBPART 68.10—GENERAL CONDITIONS

§ 68.10-1 *Signals pertaining to the operation of bridges.* Lights and signals necessary for the execution of rules and regulations pertaining to the operation of bridges issued by the Secretary of the Army will be prescribed by the District Engineer.

§ 68.10-5 *Lighting during bridge construction.* (a) While a bridge is under construction the District Engineer having jurisdiction over the work will prescribe the lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist the District Engineer will confer with the District Commander to determine the lights and signals necessary for the protection of navigation.

(c) When the construction of a bridge is completed the lights and other signals approved by the District Commander shall be displayed.

§ 68.10-10 *Lighting for the protection of aerial navigation.* The owner of a bridge which constitutes a hazard to aerial navigation should maintain, in addition to the lights prescribed in this part, such lights as may be prescribed by the Administrator of Civil Aeronautics. (See 14 CFR, Ch. II.)

§ 68.10-15 *Inspection.* Lights and signals maintained as required by the provisions of this chapter are subject to inspection at any time by the Coast Guard or such agent as may be appointed by the Commandant.

§ 68.10-20 *Periods of operation.* (a) Lights shall be displayed from sunset to sunrise and at other times when the visibility is less than one mile.

(b) Operators shall not be required to exhibit the prescribed lights during seasons when vessels are unable to navigate in the vicinity of the bridge.

§ 68.10-25 *Visibility of lights.* All lights required by the regulations in this part shall be securely attached to the structure, and shall be of sufficient intensity to be visible against the background lighting for a distance of 2,000 yards on a dark night under the prevailing conditions of atmosphere. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

SUBPART 68.15—MARKING REQUIREMENTS

§ 68.15-1 *Lights on fixed bridges.* (a) Each fixed bridge span over a navigable channel shall be lighted so that the center of the navigable channel under each span will be marked by a range of two green lights, and each margin of each navigable channel will be marked by a red light: *Provided,* That when a margin of a channel is limited by a pier, only those lights prescribed in paragraph (b) of this section shall be required to mark such channel margin. The green lights shall each show through a horizontal arc of 360° they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the bridge span structure to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacements of existing fixed span navigation lights colored green are made, it is permitted that only one of these lights marking the centerline of the same channel under a span shall be visible to an approaching vessel. When major repairs to or replacement of such existing green lights are made they shall conform with § 68.15-1 (a).

(b) *Pier lights.* When the navigable channel extends from pier to pier or when piers are located within the navigable channel, each end of such piers shall be lighted with a red light. Each such light shall show through a horizontal arc of 180° and shall be securely fastened at the end of the pier as low as practicable but not lower than 2 feet above navigable high water to show 90° on either side of line parallel to the axis of the channel so as to be visible from an approaching vessel.

(c) *Main channel.* When necessary, the District Commander may prescribe that fixed bridges having two or more spans over a navigable channel shall have the main channel span marked with a set of three white lights arranged in a vertical line directly above each green light on the main channel span. Each white light shall show through a horizontal arc of no less than 60° nor more than 180° and shall be mounted so that 1/2 of the horizontal arc will show on either side of a line parallel to the axis of the channel. These three white lights shall be securely mounted on the bridge structure and spaced as nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest white light in the line of three lights shall be placed not less than 10 nor more than 15 feet

above each green light on the main channel span.

§ 68.15-5 Lights on swing bridges—

(a) *Swing span lights on through bridges.* Each swing span of every through swing bridge shall be lighted with three lanterns so that when viewed from an approaching vessel the swing span when closed will display three red lights on top of the span structure, one at each end of the span on the same level and one at the center of the span no less than 10 feet above the other two lights, and when open for navigation will display three green lights on top of the span structure in a line parallel to and directly above the long axis of the span, one at each end of the span on the same level, and one at the center of the span no less than 10 feet above the other two lights. Each lantern shall show through alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be 90° from each other; each light shall be securely mounted with the axis of the green arcs parallel to the long axis of the swing span.

(b) *Swing span lights on deck and half-through bridges.* Each swing span of every deck, half-through, girder, or similar type swing bridge shall be lighted with four lanterns so that when viewed from an approaching vessel the swing span when closed will display one red light at each end, and when open to navigation will display two green lights from each end. Each lantern shall show through one red and two green horizontal arcs of 60° each, the axis of each green arc to be 90° from the axis of the red arc; each light shall be securely mounted at the floor level of the span as near to the side of the span as practicable with the axis of the red light normal to the long axis of the swing span and so that the red light will be visible from an approaching vessel when the span is closed.

(c) *Pier lights.* Every swing bridge shall be lighted so that each end of the piers adjacent to the navigable channel (draw piers) or each end of their protection piers (draw pier protection piers) and each end of the piers protecting the pivot pier (pivot protection pier) will be marked by a red light. Each of these lights shall show through a horizontal arc of 180° and shall be mounted as low as practicable below the floor level of the swing span to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every swing bridge shall be lighted so that the intersection of the bridge axis with each side of the pivot pier and the channel side of each draw pier which has a protection pier will be marked by a red light: *Provided*, That if the draw and draw protection piers are straight along their channel faces these lights shall not be required. Each such light shall show through a horizontal arc of 180° and shall be mounted on the navigable channel face of the pier as low as practicable below the floor level of the swing span to show 90° either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(e) *Omission of lights.* Where the permanent navigable channel passes on

only one side of the pivot pier of any swing span, the District Commander may authorize the omission of lighting of the unused channel.

§ 68.15-10 Lights on single-opening drawbridges—(a) *Bridges in this class.* Bridges of the folding, pontoon and similar type single opening drawbridges are included in this class.

(b) *Draw span lights.* Each draw span of every single opening drawbridge shall be lighted with two lanterns so that when viewed from an approaching vessel the draw span when closed will display two red lights, one at each end of the span and when open to navigation will display two green lights, one at each end of the span. Each lantern shall show alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be located 90° from each other; each lantern shall be securely mounted 15 feet above the roadway with the axis of the green arcs parallel to the long axis of the swing span.

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw or each end of the protection piers for such piers, abutments, or fixed portions of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line normal to the axis of the channel so as to be visible from an approaching vessel.

§ 68.15-15 Lights on bascule bridges—

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of not less than 60° nor more than 180°. The lighting apparatus shall be securely mounted to the side of the span so that the lights will show equally on either side of a line parallel to the axis of the channel, and so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with § 63.15-15 (a).

(b) *Multiple parallel lift span lights.* The outermost side of each outer span of every bascule bridge with parallel multiple lifts shall be lighted as prescribed in paragraph (a) of this section; the lights shall be controlled so that the green lights will be displayed only when all spans are open for navigation. The inner sides of each outer lift span and both sides of each inner lift span of such bascule bridge shall be lighted by red lights for all positions of the lift span. These lights shall have the same arcs of illumination and shall be mounted as described in paragraph (a) of this section.

(c) *Pier lights.* Every bascule bridge shall be lighted so that each end of every pier, or protection pier where provided, in or adjacent to the navigable channels under the lift span or spans will be marked by a red light. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted as low as practicable on the end of the pier, or protection pier, to show 90° either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every bascule bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the long axis of the lift span with the channel side of each pier, or protection pier, will be marked by a red light: *Provided*, That if all such piers and protection piers are straight along their channel faces these lights shall not be required. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

§ 68.15-20 Lights on vertical lift bridges—

(a) *Lift span lights.* The vertical lift span of every vertical lift bridge shall be lighted so that the center of the navigable channel under the span will be marked by a range of two green lights when the vertical lift span is open for navigation, and by one red light on each side for all other positions of the lift span. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180° and shall be securely mounted just below the outermost edge of the lift span to show 90° on either side of the line parallel to the axis of the channel so that only one such light will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with § 63.15-20 (a).

(b) *Pier lights.* Every vertical lift bridge shall be lighted so that each end of every pier in or adjacent to navigable channels under the lift span, or each end of every protection pier when provided, will be marked by a red light. Each such light shall show through a horizontal arc of 180° and shall be securely mounted as low as practicable on the end of the pier, or the protection pier, to show 90° on either side of line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(c) *Axis lights.* Every lift bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the lift span axis with the channel side of each pier adjacent to the navigable channel will be marked

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by a red light: *Provided*, That if every such pier, or protection pier, is straight along its channel face these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

SUBPART 68.20—SPECIAL CONDITIONS

§ 68.20-1 *Bridges crossing channel obliquely.* Bridges crossing a body of water at an angle other than 90° with the axis of the channel shall be lighted in accordance with the regulations in this part with such modifications as are necessary in each particular case.

§ 68.20-5 *Lights on sheer booms.* The lights on sheer booms, isolated piers, and obstructions not part of the bridge or bridge approach structure come under the purview of § 66.01-35 and shall show a white or green light if kept on the left of vessels approaching from seaward, and shall show a white or red light if kept on the right of vessels approaching from seaward. For rivers the same rule shall apply, white or green lights shall be shown from the right descending bank; white or red lights to be shown from the left descending bank. The color of the light and its characteristics (fixed, flashing, occulting, etc.) shall be determined by the District Commander.

§ 68.20-10 *Modification of requirements.* The District Commander may modify or change the requirements for the display of lights and signals on any bridge within the purview of the regulations in this part when a change in local conditions warrant such modification.

§ 68.20-15 *Bridges infrequently used and unusual cases.* Movable span bridges over minor streams which are not opened more frequently than four times between sunset and sunrise in any one week, and fixed bridges over such streams, may on recommendation of the District Commander, with the approval of the Commandant, be exempted from the other provisions of the regulations in this part: *Provided*, That all persons owning, occupying, or operating any such bridge shall maintain such lights on their bridges as may, in the opinion of the District Commander be necessary for the security of navigation. The manner of lighting structures not covered by the rules in this part shall be referred to the Commandant through the proper District Commander. In special or unusual cases the Commandant, in his discretion, if satisfied that the safety of navigation is adequately protected, may waive or modify the regulations in this part, or exempt bridges from the operation of navigation lights.

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

- Sec.
70.01-1 General provisions.
70.01-5 Penalty.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

- Sec.
70.05-1 General provisions.
70.05-5 Penalty.
70.05-10 Revocation of license.
70.05-15 Liability for damages.
70.05-20 Report required.
70.05-25 Deposit of payment in special account.
70.05-30 Claim for damage or destruction.
70.05-35 Computation of repair costs.
70.05-40 Computation of replacement costs.
70.05-45 Incidental expenses.
70.05-50 Charges for performance of work by Coast Guard.

AUTHORITY: §§ 70.01-1 to 70.05-50 (with exceptions cited in parenthesis following sections affected) issued under secs. 14, 16, 30 Stat. 1152, 33 U. S. C. 408, 411, 412.

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

§ 70.01-1 *General provisions.* No person shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Parts 64, 66, or 68 of this chapter. (Sec. 6, 35 Stat. 162, as amended, sec. 8, 38 Stat. 928, as amended; 33 U. S. C. 761, 762)

§ 70.01-5 *Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during which such violation shall continue shall be considered a new offense. (Sec. 6, 35 Stat. 162, as amended, sec. 8, 38 Stat. 928, as amended; 33 U. S. C. 761, 762)

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

§ 70.05-1 *General provisions.* No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

§ 70.05-5 *Penalty.* Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 or less than \$500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

§ 70.05-10 *Revocation of license.* Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or/destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his license revoked or suspended for a term to be

fixed by the judge before whom tried and convicted.

§ 70.05-15 *Liability for damages.* Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of liable in any district court of the United States having jurisdiction thereof.

§ 70.05-20 *Report required.* Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Parts 64, 66, or 68 of this chapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

§ 70.05-25 *Deposit of payment in special account.* Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property, the Coast Guard will accept and deposit such payments in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded. (Sec. 2, 50 Stat. 667, as amended, 33 U. S. C. 721a)

§ 70.05-30 *Claim for damage or destruction.* When an aid to navigation, fixed or floating, is damaged and can be repaired or is destroyed, claim shall be made upon the party responsible for the damage or destruction for the full cost to the government to make repairs to the aid or for the cost to make replacement with an identical aid, whichever is applicable, and for all other costs to the government incident to and directly caused by reason of the damage or destruction. Claim for cost of replacement with an identical aid shall be made regardless of whether the destroyed aid is actually replaced and whether or not the replacement, if made, is with an identical or different kind of aid located at the same or different location as that of the aid being replaced.

§ 70.05-35 *Computation of repair costs.* The cost to make repairs shall be the cost to restore the damaged aid to operating condition. This shall include the cost of all repair work, material and equipment involved whether furnished by private contract or by the government. Incidental expenses, covered in § 70.05-45, when not included in this heading shall be added to and made part of the total claim.

§ 70.05-40 *Computation of replacement costs.* The cost to make replacement shall be the present day cost to reproduce an aid identical with that which was destroyed. Incidental expenses cov-

ered in § 70.05-45 when not included in this heading shall be added to and made part of the total claim.

§ 70.05-45 *Incidental expenses.* Expenses incident to and directly caused by reason of the damage or destruction shall include costs of the following whichever are applicable. These expenses are in addition to those of § 70.05-35 or § 70.05-40 and shall be included as part of the total claim on the responsible party.

(a) Cost of placing a replacement aid in operation on station, whether as a permanent substitute or to serve as a temporary or auxiliary aid for that which was damaged or destroyed.

(b) Cost of removing a replacement aid which was placed in operation on station to serve as a temporary or auxiliary aid for that which was damaged or destroyed.

(c) Cost of temporary or auxiliary aid for the period of time actually devoted to making repairs to damage or actually devoted to reconstruction.

(d) Cost of searching for, recovering and removing or attempting to recover and remove the damaged or destroyed aid or any of its component parts which may require recovery and removal.

(e) Value of time consumed in work, travel and services of government personnel and vessels which are furnished by reason of and directly attributed to the damage or destruction: *Provided*, That no charge for Coast Guard vessels and crew shall be made for time of travel of Coast Guard vessels and personnel to and from the site and laytime en route when such travel is part of regularly scheduled Coast Guard duties.

(f) Full cost to the government for the value of all aids to navigation equipment and material lost in connection with the placing, maintaining and removing a temporary or auxiliary aid utilized because of the damage or destruction.

§ 70.05-50 *Charges for performance of work by Coast Guard.* Charges for the cost of aids to navigation equipment and for services of Coast Guard tenders shall be in accordance with the table of charges published in Part 74 of this chapter. Incidental expenses not specifically covered in Part 74 shall be their actual cost whether furnished by private contract or the government.

PART 72—MARINE INFORMATION

SUBPART 72.01—NOTICES TO MARINERS

Sec.	Purpose.
72.01-1	Local Notices to Mariners.
72.01-10	Weekly Notices to Mariners (North American-Caribbean Edition).
72.01-15	Weekly Notices to Mariners (Great Lakes Edition).
72.01-20	Weekly Notices to Mariners (World Edition).
72.01-25	Marine broadcasts.
72.01-30	Temporary deficiencies.
72.01-35	Change of address.
72.01-40	Obtaining single copies of Notices to Mariners.

SUBPART 72.05—LIGHT LISTS

Sec.	Purpose.
72.05-1	Sales agencies.
72.05-10	Free distribution.

SUBPART 72.10—LOBBY AND RADIOECON SYSTEM CHARTS

Sec.	Purpose.
72.10-1	Free distribution.

AUTHORITY: §§ 72.01-1 to 72.10-5 issued under Sec. 69, 28 Stat. 622, as amended; 44 U. S. C. 213. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

SUBPART 72.01—NOTICES TO MARINERS

§ 72.01-1 *Purpose.* The Coast Guard disseminates information concerning establishments, changes and discontinuances of aids to navigation in the United States, its territories and possessions by means of Notices to Mariners. Reports of channel conditions, obstructions, menaces to navigation, danger areas, etc., are also included in Notices to Mariners. These notices are essential to all navigators for the purpose of keeping their Light Lists, nautical charts, Coast Pilots and other nautical publications currently corrected. Mariners who navigate without having the latest Notices to Mariners on board assume all risk of casualty resulting from such neglect.

§ 72.01-5 *Local Notices to Mariners.* Local Notices to Mariners are issued by each District Commander. They include changes and deficiencies in aids to navigation within the area of each Coast Guard District. These notices are published as required, which in most districts is daily. If only local information is required, the notices issued by the various District Commanders will serve the needs of local navigators. They may be obtained, free of charge, by making application to the appropriate District Commander.

§ 72.01-10 *Weekly Notices to Mariners (North American-Caribbean Edition)* Weekly Notices to Mariners (North American-Caribbean Edition) are prepared jointly by the Coast Guard and the Hydrographic Office, Navy Department, and published weekly by the Hydrographic Office. They include changes in aids to navigation in assembled form for all Coast Guard districts, except the Ninth Coast Guard District (Great Lakes) and the Second Coast Guard District (Mississippi River system). Foreign marine information in the North American-Caribbean area is also included in these notices. These notices are intended for mariners and others who have a definite need for them in connection with extended seagoing activities or those operating in several Coast Guard Districts. These notices may be obtained, free of charge, by making application to the Commandant (OAN), U. S. Coast Guard, Washington 25, D. C.

§ 72.01-15 *Weekly Notices to Mariners (Great Lakes Edition).* Weekly Notices to Mariners of the Great Lakes are prepared jointly by the Coast Guard and the Hydrographic Office, and published weekly at the Branch Hydrographic Office, Cleveland, Ohio. These notices may be obtained, free of charge, by making application to the Branch Hydrographic Office, Cleveland, Ohio.

§ 72.01-20 *Weekly Notices to Mariners (World Edition)* Weekly Notices to Mariners (World Edition) are published weekly by the Hydrographic Office. These notices contain all the information published in the North American-Caribbean Edition and also similar information collected from other maritime countries. Requests for these notices should be addressed to the Hydrographic Office, Department of the Navy, Washington 25, D. C.

§ 72.01-25 *Marine broadcasts.* Marine broadcast Notices to Mariners are made by the Coast Guard through Coast Guard or Naval radio stations to report deficiencies and changes in aids to navigation of importance. Radio stations broadcasting marine information are listed in "Radio Aids to Navigation (HO-205)" and "Hydrographic Bulletins" published by the Hydrographic Office.

§ 72.01-30 *Temporary deficiencies.* Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

§ 72.01-35 *Change of address.* Persons receiving Notices to Mariners are requested to notify the appropriate agency of any change in address, giving both old and new addresses, or when Notices to Mariners are no longer required.

§ 72.01-40 *Obtaining single copies of Notices to Mariners.* Single copies of Notices to Mariners may be obtained or consulted at the offices of the District Commanders, the Coast & Geodetic Survey Field Stations, the Branch Hydrographic Offices, or other agencies distributing marine information.

SUBPART 72.05—LIGHT LISTS

§ 72.05-1 *Purpose.* The Coast Guard publishes annually the following five Light Lists covering the waters of the United States, its territories and possessions:

Atlantic and Gulf Coasts.

Intracoastal Waterway (includes aids to navigation on Intracoastal Waterway and inside waters from Norfolk, Va., to the Rio Grande).

Mississippi and Ohio Rivers and their tributaries.

Great Lakes.

Pacific Coast and Islands.

These Light Lists give the official name, location, characteristic and general description of all aids to navigation maintained by or under authority of the U. S. Coast Guard.

§ 72.05-5 *Sales agencies.* Coast Guard Light Lists are for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. and through his sales agents whose names are published quarterly in the Weekly Notice to Mariners. Announcements of new editions and prices are published in the Weekly Notice to Mariners each year as soon as they are available for distribution. (Sec. 1, 42 Stat. 541, sec. 307, 47 Stat. 409; 40 U. S. C. 72, 72a)

§ 72.05-10 *Free distribution.* Official copies are distributed free of charge to

RULES AND REGULATIONS

Federal, State, and foreign governments, municipalities, libraries and other public institutions. (R. S. 501, sec. 5, 38 Stat. 75; 44 U. S. C. 82, 84)

SUBPART 72.10—LORAN AND RADIOBEACON SYSTEM CHARTS

§ 72.10-1 *Purpose.* The Coast Guard publishes annually the following loran and radio beacon system charts showing the name, location, frequency, characteristic and class of all marine radio beacons operated and maintained by the United States and loran coverage provided by Coast Guard loran stations located in the continental United States and its territories.

Atlantic and Gulf Coasts.
Pacific Coast and Islands.
Great Lakes (radio beacon system only).

§ 72.10-5 *Free distribution.* These loran and radio beacon system charts are distributed annually, free of charge, to a mailing list of vessels equipped with radio direction finders and loran receiver-indicators and to others having a legitimate need for them. Requests for these charts shall be made to Commandant (OAN) U. S. Coast Guard, Washington 25, D. C., stating specifically the nature of the applicant's need.

PART 74—COSTS AND CHARGES

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Sec.
74.01-1 Table of charges.
74.01-5 Extra charges.
74.01-10 Charges for lost or destroyed equipment.

AUTHORITY: §§ 74.01-1 to 74.01-10 issued under 60 Stat. 237, 5 U. S. C., Sup., 1001 et seq.

§ 74.01-1 *Table of charges.* Charges for the performance of aids to navigation work by the Coast Guard, when authorized, shall be in accordance with the following tables:

TABLE A—CHARGES FOR EQUIPMENT

Type of marking (buoy includes mooring and sinker)	1 Fixed charge per year or fraction thereof (annual overhaul)	2 Depreciation and routine maintenance charge per month or major fraction thereof
1. Lighted buoy for exposed station, any type, with or without fog signal.....	\$145.00	\$54.00
2. Bell, gong or whistle buoys, unlighted.....	50.00	11.80
3. Lighted buoy for sheltered station, any type, with or without fog signal.....	38.00	18.00
4. Metal can or nun buoys (except river type) without light or fog signal.....	10.00	4.50
5. Wooden spar buoy, any class.....	15.00	1.50
6. Lightweight buoy (river type).....	3.00	2.10
7. Lighting apparatus (only).....	10.00	13.50

TABLE B—CHARGES FOR VESSELS

Type of vessel	1 Maintenance charge per hour	2 Operating personnel charge per hour
1. Cutters 150 feet and longer.....	\$34.00	\$87.00
2. Cutters less than 150 feet and over 100 feet long.....	19.50	31.50
3. Cutters 100 feet long or less.....	14.00	23.50
4. Buoy boats.....	6.50	9.00

§ 74.01-5 *Extra charges.* For equipment, materials, or supplies not included in the foregoing tables charge shall be made for the full cost in the case of expendable items, and for 1% of the cost per month or fraction thereof in the case of nonexpendable items.

§ 74.01-10 *Charges for lost or destroyed equipment.* Charges for any lost or destroyed equipment shall be the replacement cost thereof.

PART 76—SALE AND TRANSFER OF AIDS TO NAVIGATION EQUIPMENT

SUBPART 76.01—SALE OF EQUIPMENT

Sec.
76.01-1 Sale of equipment not readily procurable.
76.01-5 Sale of condemned equipment.

SUBPART 76.05—BOY SCOUTS OF AMERICA

76.05-1 Sale or transfer.

SUBPART 76.10—FEDERAL AGENCIES

76.10-1 Exemption.

AUTHORITY: Statutes giving special authority are cited in parentheses at the end of each section.

SUBPART 76.01—SALE OF EQUIPMENT

§ 76.01-1 *Sale of equipment not readily procurable.* The Commandant is authorized to sell aids to navigation apparatus or equipment to foreign, state, or municipal governments or departments thereof; parties required to maintain private aids to navigation to mark wrecks, piers, or other obstructions; contractors engaged on public works; and in other cases in which in the judgment of the Commandant the public interest may be served: *Provided,* Such equipment is not readily procurable in the open market. Requests to purchase such apparatus or equipment shall give sufficient reasons why the article or articles can not be readily procured in the open market. If the Commandant considers that an article can be readily procured in the open market the prospective purchaser will be so informed, and given the names of dealers or manufacturers. Sales shall be invoiced at cost plus 25% for overhead. Proceeds of such sales shall be deposited in the Treasury to the credit of the current appropriation for general expenses, Coast Guard. (Sec. 5, 44 Stat. 626, as amended; 33 U. S. C. 752a)

§ 76.01-5 *Sale of condemned equipment.* When any condemned supplies, materials, equipment, or land cannot be profitably used in the work of the Coast Guard, it will be appraised and sold, either by sealed proposals for the purchase of same, or by public auction after advertisement of the sale for such length of time as in the judgment of the Secretary of the Treasury the public interest requires. Proceeds from such sales, after payment therefrom of the expenses of making such sales, shall be deposited in the Treasury as miscellaneous receipts as now provided for by law. (37 Stat. 1019, as amended; 33 U. S. C. 752)

chase of same, or by public auction after advertisement of the sale for such length of time as in the judgment of the Secretary of the Treasury the public interest requires. Proceeds from such sales, after payment therefrom of the expenses of making such sales, shall be deposited in the Treasury as miscellaneous receipts as now provided for by law. (37 Stat. 1019, as amended; 33 U. S. C. 752)

SUBPART 76.05—BOY SCOUTS OF AMERICA

§ 76.05-1 *Sale or transfer.* The Secretary of the Treasury, in his discretion, may dispose of without charge, except for transportation and delivery, to the Sea Scout service of the Boy Scouts of America such obsolete material as may not be needed for the Coast Guard, and such other material as may be spared at prices representing a fair value to the Coast Guard. (49 Stat. 1195; 14 U. S. C. 43a)

SUBPART 76.10—FEDERAL AGENCIES

§ 76.10-1 *Exemption.* Nothing in this part shall be construed to affect the regulations concerning the transfer of supplies, materials, equipment, or land between other federal agencies.

Dated: December 8, 1948.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10955; Filed, Dec. 15, 1948; 8:51 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

CLEMENCY MAIL

Sections 512.1 (d) and 512.3 (a) are amended to read as follows:

§ 512.1 Clemency. * * *

(d) *Prisoners confined in general, regional, and station hospitals.* The case of each general prisoner serving sentence of confinement of 6 months or more who is confined in a general, regional, or station hospital, and whose designated place of confinement is other than a disciplinary barracks or a Federal institution, will be considered for clemency by the army commander in whose area the hospital is located, at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

* * * * *

§ 512.3 *Mail—(a) Outgoing.* Each prisoner confined in an Army confinement facility will be permitted to write authorized persons a minimum of one letter each week, except those in isolation or military confinement, who will be permitted to write at least one letter

each 2 weeks. All letters will be submitted unsealed for inspection.

[C1, AR 600-375] (38 Stat. 1074, 1075, 1085, 45 Stat. 988; 10 U. S. C. 1453, 1455, 1457, 1457a, 1457b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10946; Filed, Dec. 15, 1948;
8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

ASSISTANCE TO CERTAIN VETERANS IN ACQUIRING SPECIALTY ADAPTED HOUSING WHICH THEY REQUIRE BY REASON OF SERVICE- CONNECTED DISABILITIES

Section 3.1501 (a) (3) (iii) is hereby amended, and a new paragraph (b) is added:

§ 3.1501 *Assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities.* * * *

(a) *Processing of applications.* * * *

(3) *Conditions precedent to execution of certificate of basic eligibility.* * * *

(iii) Permanent and total disability due to spinal cord disease or injury with paralysis of the legs and lower part of the body is defined as paralysis of both lower extremities produced by lesion of the spinal-cord resulting from disease or injury thereof, such as to preclude locomotion without aid of braces, crutches, canes, or a wheelchair, accompanied by paralysis of the lower trunk. Physical re-examination of a veteran may be ordered when in the discretion of the central disability board the most recent report of physical examination on file is not considered sufficient to portray the present degree of his disability for the purpose of Public Law 702, 80th Congress.

(b) *Review of disallowed claims.* Claims disallowed prior to the above amendment of paragraph (a) (3) (iii) of this section will be reviewed under the amended provisions as expeditiously as possible not to interfere with the conduct of current work. (Instruction 1-A, Pub. Law 702, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10948; Filed, Dec. 15, 1948;
8:50 a. m.]

PART 3—VETERANS CLAIMS

AWARDS OF ADDITIONAL COMPENSATION FOR DEPENDENT OR DEPENDENTS

1. In Part 3, subdivision (ii) of § 3.1504 (a) (5) is amended to read as follows:

§ 3.1504 *Instructions relating to awards of additional compensation for a dependent or dependents.* * * *

(5) *Effective date.* * * *

(ii) *In claim for increase.* Generally, the effective date of an increase based on a dependent will be the date the evidence establishing the relationship and dependency is received in the Veterans' Administration. However, where evidence of relationship and dependency is furnished within five months after September 1, 1948, the effective date of Public Law 877, 80th Congress, in a case where there is of record a claim for or specific reference to dependent(s) payment of additional compensation for the dependent(s) will be authorized from that date, but in no event earlier than that date. Action to authorize increased compensation on account of dependent(s) will not be taken in any case until the proof of such relationship and dependency is received. (Instruction 1-C, Pub. Law 877, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10949; Filed, Dec. 15, 1948;
8:50 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

DISPOSITION OF SUPPLIES TURNED IN BY TRAINEE

Paragraph (n) of § 21.539, appearing in 13 F. R. 7224, is hereby canceled.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10950; Filed, Dec. 15, 1948;
8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency

PART 605—ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

DISCONTINUANCE OF CODIFICATION

CROSS REFERENCE: For the discontinuance of the codification of this part, see Federal Security Agency, Office of Vocational Rehabilitation, in the Notices section, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury¹

[CGFR 48-67]

DISTRESS SIGNALS IN LIFEBOATS AND LIFE RAFTS

The amendments regarding requirements for distress signals for lifeboats and life rafts published in the FEDERAL REGISTER dated October 30, 1948, 13 F. R. 6411 et seq., were to allow an additional alternate to existing requirements and establish a minimum standard specification for hand orange smoke distress signals. A notice postponing the effective date of the regulations was published

¹ Formerly "Chapter I—Coast Guard: Inspection and Navigation."

in the FEDERAL REGISTER dated November 24, 1948, 13 F. R. 6921. A notice regarding proposed changes in the requirements for distress signals was also published in the FEDERAL REGISTER November 24, 1948, and a public hearing was held by the Merchant Marine Council on November 30, 1948, at Washington, D. C. At this hearing the appeals submitted and all comments, data, and views on the regulations published October 30, 1948, were considered. The only change made in the requirements published October 30, 1948, was to advance the date January 1, 1949, to June 1, 1949, as the date by which all distress signals not bearing a date of manufacture have to be removed from merchant vessels subject to Coast Guard inspection. *It is, therefore, ordered,* That the proposed regulations published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6411 et seq., as postponed by a notice published November 24, 1948, 13 F. R. 6921, shall be made effective on and after the date of publication of this document in the FEDERAL REGISTER with the exception that the date "January 1, 1949" shall be changed to "June 1, 1949."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4417a, as amended, 46 U. S. C. 375, 391a, and section 101 of Reorganization Plan No. 3 of 1946, as well as additional statutes cited with the various regulations below, the following amendments are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3-1 (e) is amended to read as follows:

§ 33.3-1 *Tank ship lifeboat equipment; ocean and coastwise—T/O.*

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after June 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4417a, sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 391a, 50 U. S. C. 1275)

Subchapter G—Ocean and Coastwise General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.11 (e) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* * * *

(e) *Distress signals.* Twelve approved hand red flare distress signals in a

watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after June 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

2. Section 59.52 (a) is amended to read, as follows:

§ 59.52 *Equipment for life rafts.* * * *

(a) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after June 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.9 (e) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter, as amended, which is identical with this section.)

2. Section 60.45 (a) is amended to read as follows:

§ 60.45 *Equipment for life rafts.* (See § 59.52 of this chapter, as amended, which is identical with this section.)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.037—SIGNALS, DISTRESS, SMOKE, ORANGE, HAND, FOR MERCHANT VESSELS

The regulations in §§ 160.037-1 to 160.037-7, inclusive, were published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6412-6415, inclusive, and the effective date of these regulations was postponed by a document published in the FEDERAL REGISTER November 24, 1948, 13 F. R. 6921. The text of the regulations as published October 30, 1948, shall become effective on and after the date of publication of this document in the FEDERAL REGISTER.

Regulations in effect. The amendments contained in this document as well as the specification previously published in the FEDERAL REGISTER October 30, 1948, change the requirements only to the extent that distress signals not bearing date of manufacture shall not be carried on merchant vessels subject to inspection by the Coast Guard after June 1, 1949, and allow an additional alternate to previous requirements for distress signals. The total quantity of distress signals required in each lifeboat and life raft has not been changed.

Dated: December 9, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-10956; Filed, Dec. 15, 1948; 8:51 a. m.]

Subchapter O—Regulations Applicable to
Certain Vessels During Emergency
[CGFR 48-68]

PART 154—WAIVERS OF NAVIGATION AND
VESSEL INSPECTION LAWS AND REGULA-
TIONS

NUMBERING OF GENERAL WAIVERS PREVI-
OUSLY PUBLISHED IN THE FEDERAL
REGISTER

In order to conform the material in Appendix A, Chapter I of Title 46, to the scope and style of the Code of Federal Regulations, 1949 edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President, the general waivers heretofore published in the FEDERAL REGISTER and which are currently in effect have been assigned section numbers and headings and codified in Part 154 of Subchapter O so that they may be shown as material having future force and effect when the 1949 edition of the Code of Federal Regulations is published. No change has been made in the text of the original waivers as published and/or modified. This recodification and listing are only editorial in nature and shall not change the force and effect of any waiver of navigation and vessel inspection laws and regulations made pursuant to a general waiver previously published in the FEDERAL REGISTER and codified in Appendix A.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by the act of March 31, 1947, as amended (Public Laws 27, 293, 423, 80th Congress) I hereby assign the following section numbers and headings to the general waivers of navigation and vessel inspection laws and regulations, which are currently in effect, and these editorial changes shall be made effective on and after the date of publication of this document in the FEDERAL REGISTER.

Sec.
154.01 Description of seaman's wages in shipping articles.
154.03 Bond allotments on shipping articles.
154.05 Permitting compliance with routing instructions and orders.
154.07 Chronological record of seaman's previous employment.

Sec.
154.09 Permitting cargo vessels equipped with certificates issued by British Ministry of War Transport to load passengers at U. S. ports for outward transportation.
154.11 Permitting masters of Great Lakes vessels to approve allotments of seamen.
154.13 Utilization of petroleum for motive power of steam vessels.
154.15 Cargo vessels equipped with certificates issued by British Ministry of War Transport.
154.17 Reporting of employment, discharge or termination of seamen on tugs, towboats, and seagoing barges.
154.19 Eight-hour day on tugs navigating the Great Lakes and tributary waters.
154.21 Crew list required.
154.23 Reporting of employment, discharge or termination of seamen on vessels employed exclusively in trade on lakes other than the Great Lakes, bays, sounds, bayous, canals, and harbors.
154.25 Certificates and continuous discharge books in shipping of seamen on vessels on the Great Lakes.
154.27 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.
154.29 Continuation in effect of certain waivers, regulations, and instructions, effective March 23, 1948.
154.31 Conditional waiver of manning requirements.
154.33 Able seamen employed on Great Lakes merchant cargo and tank vessels.
154.35 Qualified members of engine department on Great Lakes merchant cargo and tank vessels.
154.37 Employment of aliens as unlicensed crew members on subsidized vessels.

AUTHORITY: §§ 154.01 to 154.37 issued under 61 Stat. 33, 685, Pub. Law 423, 80th Cong., 46 U. S. C. sup., note prec. 1.

§ 154.01 *Description of seaman's wages in shipping articles.* (The text of this waiver is in 46 CFR 1943 Supp. 2070, 7 F. R. 404.)

§ 154.03 *Bond allotments on shipping articles.* (The text of this waiver is in 46 CFR 1943 Supp. 2080, 7 F. R. 1045.)

§ 154.05 *Permitting compliance with routing instructions and orders.* (The text of this waiver is in 46 CFR 1943 Supp. 2073, 7 F. R. 2478.)

§ 154.07 *Chronological record of seaman's previous employment.* (The text of this waiver is in 46 CFR 1943 Supp. 2078, 7 F. R. 2643.)

§ 154.09 *Permitting cargo vessels equipped with certificates issued by British Ministry of War Transport to load passengers at U. S. ports for outward transportation.* (The text of this waiver is in 46 CFR 1943 Supp. 2073, 7 F. R. 2869.)

§ 154.11 *Permitting masters of Great Lakes vessels to approve allotments of seamen.* (The text of this waiver is in 46 CFR 1943 Supp. 2080, 7 F. R. 3126.)

§ 154.13 *Utilization of petroleum for motive power of steam vessels.* (The text of this waiver is in 46 CFR 1943 Supp. 2078, 7 F. R. 4515.)

§ 154.15 *Cargo vessels equipped with certificates issued by British Ministry of War Transport.* (The text of this waiver

is in 46 CFR 1943 Supp. 2081, 8 F. R. 13826.)

§ 154.17 *Reporting of employment, discharge or termination of seamen on tugs, towboats, and seagoing barges.* (The text of this waiver is in 46 CFR 1944 Supp. 3477, 9 F. R. 3159.)

§ 154.19 *Eight-hour day on tugs navigating the Great Lakes and tributary waters.* (The text of this waiver is in 46 CFR 1944 Supp. 3477, 9 F. R. 12597.)

§ 154.21 *Crew list required.* (The text of this waiver is in 46 CFR 1944 Supp. 3477, 9 F. R. 13167.)

§ 154.23 *Reporting of employment, discharge or termination of seamen on vessels employed exclusively in trade on lakes other than the Great Lakes, bays, sounds, bayous, canals, and harbors.* (The text of this waiver is in 46 CFR 1944 Supp. 3478, 9 F. R. 15006.)

§ 154.25 *Certificates and continuous discharge books in shipping of seamen on vessels on the Great Lakes.* (The text of this waiver is in 46 CFR 1945 Supp. 4241, 10 F. R. 2408.)

§ 154.27 *Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.* (The text of this waiver is in 46 CFR 1947 Supp. 6359, 12 F. R. 3249.)

§ 154.29 *Continuation in effect of certain waivers, regulations, and instructions, effective March 23, 1948.* (The text of this waiver is in the FEDERAL

REGISTER dated March 23, 1948, 13 F. R. 1507.)

§ 154.31 *Conditional waiver of manning requirements.* (The text of this waiver is in the FEDERAL REGISTER dated April 17, 1948, 13 F. R. 2069.)

§ 154.33 *Able seamen employed on Great Lakes merchant cargo and tank vessels.* (The text of this waiver is in the FEDERAL REGISTER dated April 17, 1948, 13 F. R. 2070.)

§ 154.35 *Qualified members of engine department on Great Lakes merchant cargo and tank vessels.* (The text of this waiver is in the FEDERAL REGISTER dated April 17, 1948, 13 F. R. 2072.)

§ 154.37 *Employment of aliens as unlicensed crew members on subsidized vessels.* (The text of this waiver is in the FEDERAL REGISTER dated April 17, 1948, 13 F. R. 2071.)

APPENDIX A—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

TRANSFER OF WAIVERS

The waivers currently in effect have been transferred to Part 154, *supra*, and assigned section numbers and headings. Dated: December 9, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard
Commandant.

[F. R. Doc. 48-10957; Filed, Dec. 15, 1948;
8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle.

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

TARIFF INDEXES; POSTPONEMENT OF EFFECTIVE DATE OF RULE 18 OF TARIFF CIRCULAR MF NO. 3

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 8th day of December A. D. 1948.

Rule 18 of Tariff Circular MF No. 3 being under consideration, and good cause appearing therefor:

It is ordered, That the effective date of Rule 18 of Tariff Circular MF No. 3 (§ 187.42) be, and it is hereby, postponed from January 1, 1949, until further order of the Commission.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10341; Filed, Dec. 15, 1948;
8:43 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

I 14 CFR, Part 292 I

IRREGULAR AIR CARRIERS; AMENDMENT AND PARTIAL REPEAL OF IRREGULAR AIR CARRIER EXEMPTION

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the revision of § 292.1 of the Economic Regulations governing Small and Large Irregular Carriers.

The proposed revision represents a new approach to economic regulation of so-called "Large Irregular Carriers" while preserving in more or less the same form the provisions currently in effect with respect to "Small Irregular Carrier." Since changes in the provisions of § 292.1 with respect to Large Irregular Carriers envisage elimination of their general exemption authority under this section and substitution of special exemption authority under section 416 of the act in appropriate cases as determined on an individual basis by the Board, and since it is contemplated that economic regulation of the Small Irregular Carriers will continue substantially unchanged under § 292.1, the entire section has been recast in such a way as to assemble as many as possible of the provisions applicable to Small Irregular Carriers in one place at the beginning of the section, following

them with the separately assembled provisions applicable to Large Irregular Carriers. It is believed that this will make it a simpler matter for each of the two classes of carriers to understand and comply with the relevant portions of the regulation.

The new approach to economic regulation of the Large Irregular Carriers is achieved by a provision which, broadly described, terminates their general exemption under § 292.1 thirty days after the effective date of the proposed revision and at the same time permits such of them as have duly filed application for an individual temporary exemption within such thirty-day period to continue to enjoy their § 292.1 exemption until the Board has passed on their application. This means, in effect, that the exemptions currently enjoyed by Large Irregular Carriers will be subjected to review by the Board to determine whether, in the light of all relevant considerations, such exemptions should be terminated, or should be permitted to continue in the form of individual temporary exemptions.

A second important effect of the proposed revision, that of clarifying and tightening in some respects the restrictions upon Large Irregular Carriers, and to a lesser extent restrictions upon Small Irregular Carriers, is responsive to the need for some means to cope with increased activities of such carriers outside

the proper scope of the exemption they are intended to enjoy under § 292.1. The provisions conferring the exemptions have been modified to state affirmatively the sections of the act from which exemption is granted (fewer in number than previously). Even though the existing regulation was never intended to give blanket exemption from subsection 401 (a) for all Irregular Air Carriers which held Letters of Registration, the proposed revision is worded to clarify further the fact that the exemption extends only to irregular operations, and that air transportation which is not irregular is outside the exemption and in violation of the act. The proposed revision will also clarify the fact that a Letter of Registration is merely evidence of registration and an aid to enforcement of the act; it is not a license and confers no privileges beyond those set forth in the regulation itself. It is believed that the new language will help simplify enforcement of the provisions of the regulation in this respect.

In addition, in the case of the Small Irregular Carriers, which would continue to be exempted from section 412 of the act, the widespread practice of piecing together the individually "irregular" operations of two or more carriers to make an overall pattern of regularity has been prohibited. Moreover, in the case of both Large and Small Irregular Carriers, the chief mechanism for engaging in such

practices, i. e., nomination of a single ticket agency for two or more carriers, has been brought under the scrutiny of the Board by a provision requiring an affirmative showing that its use would not adversely affect the public interest or the carrier's intention and ability to conform to provisions of the act, as a condition of its adoption or continued use. Establishment, observation or enforcement of joint rates with another air carrier by Large Irregular Carriers are forbidden.

Certain other changes are intended to prevent evasion of the regulation, notable among which is the provision preventing Large Irregular Carriers from having or retaining as an important official or owner, without Board approval, any person affiliated in a similar capacity with an Air Freight Forwarder, Small or Large Irregular Carrier or Noncertificated Cargo Carrier at a time when the latter's Letter of Registration was subject to revocation or suspension action by the Board.

The new provisions governing suspension, revocation and cancellation of Letters of Registration, in the case of both Large and Small Irregular Carriers, are designed to facilitate, and lend flexibility to, enforcement of the regulation, by clarifying and strengthening the grounds for suspension, revocation and cancellation of the right to engage in irregular air transportation.

The proposed § 292.1 is set forth in the attached proposed rule.

This amendment is proposed under the authority of sections 205 (a) and 416 of the Civil Aeronautics Act of 1938, as amended.

Interested persons may participate in the proposed rule-making through the submission of written data, views, or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before January 15, 1949, will be considered by the Board before taking final action.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend the Economic Regulations § 292.1, *Irregular Air Carriers* (14 CFR 292.1) in its entirety to read as follows:

§ 292.1 *Irregular Air Carriers*—(a) *Small irregular carriers*—(1) *Exemptions*. Except as otherwise provided in this section, each air carrier holding an effective Letter of Registration issued to it as a Small Irregular Carrier, as hereinafter defined, shall be temporarily exempted from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Subsection 401 (a) but only insofar as said subsection would otherwise prevent such Small Irregular Carrier from engaging in irregular air transportation of persons or property, as hereinafter defined;

(ii) Section 403;

(iii) Subsection 404 (a) *Provided*, That Small Irregular Carriers shall abide by those provisions of this subsection which require air carriers to provide safe

service, equipment and facilities in connection with air transportation;

(iv) Subsection 404 (b),

(v) Subsection 405 (e)

(vi) Subsection 407 (b) and (c),

(vii) Section 408;

(viii) Subsection 409 (a), and

(ix) Section 412.

(2) *Duration*. The temporary exemption privilege provided by this paragraph (a) shall continue in effect until such time as the Board shall find that enforcement of those provisions of Title IV of the act from which exemption is provided in this section would be in the public interest or would no longer be an undue burden on the Small Irregular Carriers: *Provided*, That upon such a finding as to any Small Irregular Carrier or class of Small Irregular Carriers, such exemption shall expire with respect to such carrier or class of carriers.

(3) *Approval of certain interlocking relationships*. To the extent that any officer or director of a Small Irregular Carrier would, without prior approval of the Board, be in violation of any provisions of subsection 409 (a) of the Civil Aeronautics Act of 1938, as amended, by reason of any interlocking relationship, such relationship is hereby approved.

(4) *Effect on other statutes*. The temporary exemption hereinabove granted from section 408, 409 (a) and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "anti-trust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such section.

(5) *Conditions to exercise of temporary exemption privilege*—(i) *Necessity for Letter of Registration*. No person shall exercise the temporary exemption privilege conferred by this paragraph (a) unless there is in force with respect to such person a Letter of Registration issued by the Board, acknowledging that such person has been duly registered with the Board as a Small Irregular Carrier under the provisions of § 292.1 of the Economic Regulations, as amended, relating to irregular air transportation. Any Small Irregular Carrier which holds a Letter of Registration issued to it, and not revoked or cancelled, prior to [effective date of amendment] is not required to obtain another Letter of Registration.

(ii) *Prohibition against using same sales agent*. No Small Irregular Carrier shall have and retain any person as an agent or representative for the sale of air transportation on the aircraft of such Carrier between two points if such person also acts, or at any time or upon any occasion (not including any time or occasion prior to [effective date of amendment]) within the preceding 30 days has acted, as agent or representative for the sale of air transportation between such points on the aircraft of any other Irregular Air Carrier; and no Small Irregular Carrier shall have and retain as an agent or representative for the sale of air transportation on the aircraft of such carrier any person which has, or proposes to have, as owner, partner, officer director,

or stockholder holding a controlling interest, any individual who is or has been connected in any such capacity with any other person which at any time acted as an agent or representative for the sale of air transportation between any two common points on the aircraft of two or more Irregular Air Carriers, unless it has been shown to the Board by such carrier that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected thereby.

(iii) *Prohibition against combined operations*. No Small Irregular Carrier shall make or maintain any agreement or arrangement with any other air carrier or air carriers with respect to the conduct of air transportation services which, if conducted by a single carrier, would constitute air transportation not within the scope of irregular air transportation as hereinafter defined.

(6) *Letters of Registration*—(i) *Issuance of Letter of Registration*. Except as provided in subdivision (ii) of this subparagraph, upon the filing of proper application therefor the Board will issue to any Small Irregular Carrier a Letter of Registration. Such application shall be certified as correct by a responsible official of such carrier, and shall contain the following information: (a) Date; (b) name of carrier; (c) mailing address; (d) location of principal operating base; (e) if a corporation, the place of incorporation, the name and citizenship of officers and directors and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (f) if an individual or partnership, the name and citizenship of owners or partners; (g) the types and numbers of each type of aircraft utilized in air transportation. Such application shall be submitted in duplicate in letter form or on CAB Form No. 2789, which is available on request for the convenience of applicants.

(ii) *Restrictions on issuance of Letter of Registration*. An application filed pursuant to subdivision (i) of this subparagraph will be denied and no Letter of Registration as a Small Irregular Carrier will be issued to an applicant which has, or proposes to have, as owner, partner, officer, director, or stockholder holding a controlling interest, any person who was, or is connected in any such capacity with any Irregular Air Carrier, Noncertificated Cargo Carrier or Air Freight Forwarder, if the Letter of Registration or exemption privilege of such carrier or forwarder was suspended or revoked by the Board during the time of such connection, unless it has been shown to the Board by such applicant, and the Board finds, that the public interest and applicant's intention and ability to conform to the provisions of the Act and requirements thereunder will not be adversely affected by such relationship or former relationship. For the purpose of carrying out the intent of this provision, the Board may, before or after the issuance of a Letter of Registration, require the applicant to furnish information in addition to that required to be set forth in its application filed

pursuant to subdivision (i) of this subparagraph.

(iii) *Effective period.* Each Letter of Registration of a Small Irregular Carrier shall become effective only upon the date specified therein and, shall continue in effect until suspended, revoked or cancelled, or until the temporary privilege conferred by this paragraph shall terminate or otherwise cease to be effective with respect to such Small Irregular Carrier, whichever occurs first.

(iv) *Nontransferability of Letter of Registration.* A Letter of Registration shall be nontransferable and shall be effective only with respect to the person named therein.

(v) *Suspension of Letter of Registration.* Letters of Registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest, or when there exist circumstances which would constitute proper grounds for denial of an application if the carrier were not holding a Letter of Registration and were applying therefor. Letters of Registration shall be further subject to suspension upon complaint, or upon motion of any person showing an interest therein, or upon the Board's own initiative, after not less than 10 days' notice to the Small Irregular Carrier, but without hearing or further proceedings, for failure to comply with the provisions of the act or with any order, rule or regulation issued thereunder, or with any term, condition or limitation of any authority issued thereunder. Such suspension shall continue until the Board finds that such suspended Small Irregular Carrier has complied with, or has submitted satisfactory evidence and assurances that it will comply with the provisions of the act, or with such rules, regulations, orders, terms, conditions or limitations. Failure to seek reinstatement of a Letter of Registration suspended pursuant to the provisions of this paragraph within a period of 60 days after the effective date of such suspension shall automatically terminate all rights under such Letter of Registration.

(vi) *Revocation or cancellation of Letter of Registration.* (a) Letters of Registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provisions of the Act or of any order, rule, or regulation issued under any such provision or of any term, condition, or limitation of any authority issued under said act or regulations, or for any cause which, at the time of revocation, would justify the Board in refusing to issue to the holder of such Letter a like Letter.

(b) The Letter of Registration of any Small Irregular Carrier shall be revoked without prejudice upon the filing by such carrier of a written request for cancellation: *Provided*, That the Board may refuse to grant such request if any proceeding or action is pending in which the Small Irregular Carrier's authority may be subject to suspension or revocation action.

(c) In any case in which the Board has reason to believe that a Small Irregular Carrier has ceased to operate pursuant to the temporary exemption privilege conferred by this paragraph, the Board

may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its Letter of Registration cancelled. Failure to reply within a period of 60 days after receipt thereof, or the return of such letters unclaimed, shall automatically terminate all rights under such Letter of Registration.

(b) *Large Irregular Carriers—(1) Exemptions.* Except as otherwise provided in this section, each air carrier holding an effective Letter of Registration as a Large Irregular Carrier, as hereinafter defined, shall be temporarily exempted from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Subsection 401 (a) but only insofar as said subsection would otherwise prevent such Large Irregular Carrier from engaging in irregular interstate or overseas air transportation of persons or property, or in irregular foreign air transportation of property, as hereinafter defined.

(ii) Subsection 404 (a) *Provided*, however, That each such Large Irregular Carrier shall abide by those provisions of this subsection which require air carriers to provide safe service, equipment and facilities in connection with air transportation; and to establish, observe and enforce just and reasonable individual rates, fares and charges and just and reasonable classification, rules, regulations and practices relating to such air transportation.

(iii) Subsection 405 (e).

(2) *Duration.* The temporary privilege conferred by this paragraph (b) shall terminate and cease to be effective with respect to each Large Irregular Carrier at 12:01 a. m. e. s. t., on [31 days after effective date]: *Provided*, That any Large Irregular Carrier which before such time has on file with the Board pursuant to section 416 (b) of the Act an application for an individual temporary exemption from Title IV of the act extending to all or part of the air transportation which such Large Irregular Carrier is authorized to perform as of [30 days after effective date] pursuant to the temporary exemption privilege conferred by this paragraph, may continue to exercise such privilege until, but only until, the date specified in the Board's order finally disposing of its application for individual exemption, or until its temporary privilege conferred by this paragraph is suspended, revoked or cancelled as provided for in subparagraphs (4) and (5) of this paragraph, whichever shall be earlier.

(3) *Conditions to exercise of temporary exemption privilege—(1) Necessity for Letter of Registration.* No person shall exercise the temporary exemption privilege conferred by this paragraph unless there is in force with respect to such person a Letter of Registration issued by the Board, acknowledging that such person has been duly registered with the Board as a Large Irregular Carrier under the provisions of this section, as amended, relating to irregular air transportation.

(ii) *Necessity of Board approval of certain owners or officials.* No Large Irregular Carrier shall have and retain as an owner, partner, officer, director or stockholder holding a controlling interest, any person who was, or is, connected in any such capacity with any Irregular Air Carrier, Noncertificated Cargo Carrier, or Air Freight Forwarder, if the Letter of Registration or temporary exemption privilege of such carrier or forwarder was subject to suspension action by the Board during the time of such connection, unless it has been shown to the Board by such carrier, and the Board finds, that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected by such relationship or former relationship. A carrier or forwarder shall be considered to be subject to suspension action within the meaning of this provision if it conducts unauthorized operations which subsequently form the basis for Board action looking toward the revocation or suspension of its Letter of Registration or its temporary exemption privilege, as the case may be.

(iii) *Prohibition against using same sales agent.* No Large Irregular Carrier shall have and retain any person as an agent or representative for the sale of air transportation between two points on the aircraft of such carrier if such person also acts, or at any time or upon any occasion (but not including any time or occasion prior to [effective date of amendment]) within the preceding 30 days has acted, as agent or representative for the sale of air transportation between such points on the aircraft of any other Irregular Air Carrier; and no Large Irregular Carrier shall have and retain as an agent or representative for the sale of air transportation on the aircraft of such carrier any person which at any time acted as an agent or representative for the sale of air transportation between such points on the aircraft of two or more Irregular Air Carriers, unless it has been shown to the Board by such Carrier that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected thereby.

(iv) *Prohibition against joint rates, fares or charges.* No Large Irregular Carrier shall establish, observe or enforce any joint rates, fares or charges with any other air carrier.

(4) *Suspension of Letter of Registration.* Letters of Registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest. Such suspension shall continue until the Board finds that such suspended Large Irregular Carrier has complied with, or has submitted satisfactory evidence and assurances that it will comply with, the provisions of the act, or with such rules, regulations, orders, terms, conditions or limitations. Failure to seek reinstatement of a Letter of Registration suspended pursuant to the provisions of this paragraph within a period of 60 days after the effective date of such suspension shall automatically terminate all

rights under such Letter of Registration: *Provided*, That in the case of a Letter of Registration suspended prior to [effective date of amendment], failure to seek reinstatement of such Letter of Registration prior to [date 60 days after effective date of amendment] shall automatically terminate all rights under such Letter of Registration.

(5) *Revocation or cancellation of Letter of Registration*—(i) *Revocation*. Letters of Registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provisions of the act or of any order, rule, or regulation issued under any such provisions or of any term, condition or limitation of any authority issued under said act or regulations.

(ii) *Cancellation on request*. The Letter of Registration of any Large Irregular Carrier shall be revoked without prejudice upon the filing by such carrier of a written request for cancellation: *Provided*, That the Board may refuse to grant such request if any proceeding or action is pending in which the Large Irregular Carrier's Letter of Registration may be subject to suspension or revocation.

(iii) *Cancellation for non-use*. In any case in which the Board has reason to believe that a Large Irregular Carrier has ceased to operate pursuant to the temporary exemption privilege conferred by this paragraph, the Board may by registered letter mailed to the carrier at its last known address and to the designated agent of such carrier, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its Letter of Registration cancelled. Failure to reply within a period of 60 days, or return of such letters unclaimed, shall automatically terminate all rights under such Letter of Registration.

(6) *Interlocking relationships*. If an application by any Large Irregular Carrier for approval of an interlocking relationship in existence on [effective date of the amendment] and heretofore exempt from the provisions of section 409 (a) is filed with the Board on or before [30 days after effective date], such carrier may retain the officer, director, member or stockholder involved in such relationship pending final disposition by the Board of said application, and such relationship is hereby approved pending such final disposition.

(7) *Operational limitations for Large Irregular Carriers*. Large Irregular Carriers shall not engage in the foreign air transportation of persons, and are not granted any exemption by this regulation from the provisions of the Civil Aeronautics Act of 1938, as amended, with respect to such foreign air transportation of persons.

(c) *Nonapplicability*. This section shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan Air Carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pur-

suant to exemption created by any other section of the Economic Regulations.

(d) *Definitions*—(1) *"Irregular" air transportation*. For the purpose of this section, the term "irregular," as applied to interstate, overseas or foreign air transportation of persons or property shall mean a service in which the carrier does not hold out to the public, expressly or by course of conduct, that it operates one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. Such service shall not be deemed to be irregular unless the air transportation services offered and performed by the carrier are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points. Within the meaning of this definition a "point" shall mean any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place.

(2) *Small Irregular Carrier*. The term "Small Irregular Carrier" shall mean any air carrier which (i) directly engages in irregular air transportation of persons or property as defined in subparagraph (1) above, (ii) does not hold a certificate of public convenience and necessity under section 401 of the act, as amended, and (iii) does not use in its transportation services aircraft units having a gross take-off weight in excess of 10,000 pounds for any one unit or 25,000 pounds for the total of such units (disregarding units of 6,000 pounds or less).

(3) *Large Irregular Carrier*. The term "Large Irregular Carrier" shall mean an air carrier which holds a Letter of Registration issued to it as a Large Irregular Carrier pursuant to application therefor filed with the Board before August 6, 1948, and not revoked or cancelled as of [effective date of this amendment].

(4) *Irregular Air Carrier*. The term "Irregular Air Carrier" shall mean any air carrier which falls within the definition of either a Large or Small Irregular Carrier as defined above.

(5) *Separability*. If any provisions of this section or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstance shall not be affected thereby. (52 Stat. 984 and 1004, as amended; 49 U. S. C. 425a and 496b)

[F. R. Doc. 48-10359; Filed, Dec. 15, 1948; 8:52 a. m.]

[14 CFR, Part 292]

APPLICATIONS FOR EXEMPTION

NOTICE OF PROPOSED RULE-MAKING

Section 292.4 states the Board's requirements for applying for exemptions

from the provisions of Title IV of the act and the requirements of notice thereof to interested parties. The purpose of the present amendment is to relieve from the notice requirements of this section all Large Irregular Carriers which file applications, prior to [thirty days after the effective date of proposed revised § 292.1], for individual exemptions for authority to engage in irregular air service other than between specified points. This is believed necessary, since such applications will, by their very nature, involve indeterminate points, thus making it virtually impossible to fulfill the notice requirements of § 292.4 in its present form. The Board is prepared to give appropriate notice of such applications to such interested parties through its own facilities; consequently, interested persons will have notice of such applications, although not from applicants.

The proposed revised § 292.4 is set forth in the attached proposed rule.

This amendment is proposed under the authority of sections 205 (a) and 416 of the Civil Aeronautics Act of 1938, as amended.

Interested persons may participate in the proposed rule-making through the submission of written data, views, or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before January 15, 1949, will be considered by the Board before taking final action.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend § 292.4 (a) of the Economic Regulations (14 CFR 292.4 (a)) to read as follows:

§ 292.4 *Applications for exemption*—(a) *Notice of application*. Prior to or coincident with the filing of any application for exemption from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, the applicant, unless otherwise authorized by the Board, shall cause a notice of such filing to be served by personal service or registered mail upon all persons who may have an interest in the subject matter of the application: *Provided, however*, That any Large Irregular Carrier, as defined in § 292.1, filing such application for exemption prior to [thirty days after the effective date of proposed revised § 202.1], shall not be required to cause a notice of such filing to be served upon any of the persons having an interest therein if such application requests exemption authority to engage in irregular air transportation other than between specified points. In the case of any application which proposes the furnishing or discontinuance of air transportation to or from any point, the following persons shall be presumed to have an interest in the subject matter of the application.

[F. R. Doc. 48-10960; Filed, Dec. 15, 1948; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-411]

HANDKERCHIEF INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO
PRESENT VIEWS, SUGGESTIONS, OR OBJEC-
TIONS WITH RESPECT TO PROPOSED TRADE
PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 13th day of December 1948.

Opportunity is hereby extended by the Federal Trade Commission to any and

all persons, partnerships, corporations, associations, or other parties or groups (including consumers), affected by or having an interest in the proposed trade practice rules for the Handkerchief Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than January 5, 1949. Opportunity to be heard

orally will be afforded at the hearing beginning at 10:00 a. m., January 5, 1949, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, N. W., Washington, D. C., to any such persons, parties, groups, or consumers who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[P. R. Doc. 48-10344; Filed, Dec. 15, 1948;
8:43 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Southwestern Power Administration

[General Order SPA 28]

DESIGNATION OF ACTING ASSISTANT
ADMINISTRATOR

DECEMBER 3, 1948.

Pursuant to authority delegated by the Secretary of the Interior (Order No. 2498, Nov. 15, 1948, 13 F. R. 6891) the officials of the Southwestern Power Administration listed below are hereby authorized and directed to perform the duties and exercise the powers of the Assistant Administrator in case of the death, resignation, absence, or sickness of the Assistant Administrator: *Provided*, That no official listed below shall have authority to act as Acting Assistant Administrator unless all those whose titles appear before him are absent from their official post or unable to act:

(a) The Chief of the Division of Operations.

(b) The Chief of the Division of Engineering.

(c) The Chief Counsel.

(d) The Controller.

(e) The Chief of the Division of Administration and Personnel.

DOUGLAS G. WRIGHT,
Administrator

Southwestern Power Administration.

[F. R. Doc. 48-10933; Filed, Dec. 15, 1948;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6172]

SHO-ME POWER CORP.

NOTICE OF ORDER DISMISSING APPLICATION
FOR WANT OF JURISDICTION

DECEMBER 13, 1948.

Notice is hereby given that, on December 10, 1948, the Federal Power Commission issued its order entered December 9, 1948, dismissing application for want of jurisdiction in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10943; Filed, Dec. 15, 1948;
8:49 a. m.]

[Docket No. G-1157]

SOUTHERN COUNTIES GAS CO. OF
CALIFORNIA

NOTICE OF APPLICATION

DECEMBER 10, 1948.

Notice is hereby given that on December 2, 1948, an application filed with the Federal Power Commission by Southern Counties Gas Company of California (Applicant) a California Corporation having its principal place of business at Los Angeles, California, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 35 miles of 16-inch diameter pipeline in Riverside County, California, which is to be part of an 85 mile 16-inch pipeline connecting with the existing Texas to California pipeline near Moreno, California, and extending southward to the City of San Diego, California, for the purpose of augmenting the gas supply and increasing the deliverability of natural gas to the San Diego Gas and Electric Company.

The application states that Applicant has been the sole source of supply for natural gas for the San Diego Company since 1932 and that existing facilities limit the ability of Applicant to deliver sufficient volumes of natural gas to San Diego to meet peak day requirements. The application states that the San Diego Company will construct and operate 50 miles of the pipeline, which will be located in San Diego County. It is alleged that the proposed pipeline will provide an additional 40 million cubic feet daily delivery capacity from Applicant to the San Diego Company.

The estimated total over-all capital cost of construction of Applicant's portion of the proposed facilities is \$1,931,700, to be financed from funds available for system-wide construction derived from treasury funds on hand, provision for depreciation, unappropriated earnings, and net proceeds from the sale of bonds and stock in such amounts as permanent financing may require, plus short-term bank loans if necessary.

Any interested State commission is requested to notify the Federal Power

Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Counties Gas Company of California is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10342; Filed, Dec. 15, 1948;
8:49 a. m.]

[Projects Nos. 29, 472, 483, 537, 665, 671, 675,
633, 703, 713]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER DETERMINING ACTUAL
LEGITIMATE ORIGINAL COST, NET CHANGES
THEREIN, AND PRESCRIBING ACCOUNTING
THEREFOR

DECEMBER 10, 1948.

Notice is hereby given that, on December 9, 1948, the Federal Power Commission issued its order entered December 7, 1948, determining actual legitimate original cost, net changes therein, and prescribing accounting therefor in the above-designated matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10331; Filed, Dec. 15, 1948;
8:46 a. m.]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER DETERMINING ACTUAL
LEGITIMATE ORIGINAL COST AND PRESCRIB-
ING ACCOUNTING THEREFOR

DECEMBER 10, 1948.

Notice is hereby given that, on December 9, 1948, the Federal Power Commission issued its order entered December 7, 1948, determining actual legitimate original cost and prescribing accounting therefor in the above entitled matter.

[SEAL] - LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10930; Filed, Dec. 15, 1948;
8:46 a. m.]

[Project No. 2014]

CITY OF HOLYOKE GAS & ELECTRIC DEPT.
NOTICE OF APPLICATION FOR LICENSE
(MAJOR)

DECEMBER 9, 1948.

Public notice is hereby given that the City of Holyoke Gas & Electric Department, Holyoke, Massachusetts, has filed application for a license for Project No. 2014 at Holyoke, Massachusetts. The applicant proposes to acquire from Holyoke Water Power Company existing works consisting of the dams across the Connecticut River at Holyoke and their headgate structures and a portion of the intake canal in Holyoke and to construct at the Holyoke end of the masonry dam a brick, steel, and reinforced concrete power plant designed for the ultimate installation of four 15,000-kilowatt units, two of which would be installed initially and the other two when economically justified.

Any protest against the approval of this application or request for hearing thereon and the name and address of the party or parties so protesting or requesting should be submitted on or before January 8, 1949 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10932; Filed, Dec. 15, 1948;
8:46 a. m.]

FEDERAL SECURITY AGENCY

Bureau of Public Assistance

STATEMENT OF ORGANIZATION, DELEGATION
OF FINAL AUTHORITY, AND PLACES AT
WHICH INFORMATION MAY BE SECURED

1. Section 651 is amended to read as follows:

SEC. 651 *General*. The Bureau of Public Assistance is a part of the Social Security Administration of the Federal Security Agency and is the operating unit responsible for activities relating to the Federal-State system of public assistance. Functions relating to services in the area of State merit systems, and audits are performed by the Office of Federal-State Relations for all of the grant-in-aid programs of the Federal

Security Agency. These services, along with the activities provided by the Division of Field Services as related to regional offices, are described in connection with the general organization of the Federal Security Agency.

2. Section 652 is amended as follows:

a. By deleting the last sentence of the second undesignated paragraph which reads "Under the 1947 Federal Security Agency Appropriations Act, the Bureau administers civilian war assistance."

b. By revising the last sentence of the third undesignated paragraph to read as follows: "When a State plan is submitted and approved, the State becomes eligible for Federal funds in an amount determined in accordance with the provisions of the Federal Act for assistance payments and for half the costs of administration."

c. By revising the first sentence of the fifth undesignated paragraph to read as follows: "The divisions of the Bureau are a Division of Program Operations, a Division of Standards and Program Development, a Division of Statistics and Analysis, a Division of Technical Training, and for purposes of internal management, a Division of Administration."

d. By changing the title of paragraph (a) and any references therein to that title to "Division of Program Operations."

e. By changing the title of paragraph (b) and any references therein to that title to "Division of Standards and Program Development."

f. By changing the title of paragraph (b) and any references therein to that title to "Division of Statistics and Analysis."

g. By inserting at the end of the section the following paragraph:

(d) *Division of Technical Training*. The Division of Technical Training is responsible for formulating standards relating to staff training in State public assistance agencies; rendering consultative services to the regional public assistance staff and State agencies regarding objectives, methods and content in the training of State and local public assistance staff; and developing training materials; for cooperating with other Federal agencies and national private agencies on training problems, with educational associations and institutions on the preparation of social service personnel; and for acting as liaison with other agencies and organizations on staff development.

3. Sections 653 and 654 are deleted.

4. Section 655 is redesignated as section 653 and amended to read as follows:

SEC. 653. *Regional representatives*. Each regional office of the Federal Security Agency (see description of organization of Federal Security Agency) includes a representative of the Bureau of Public Assistance. (In Alaska and Hawaii the Regional Director performs general services; field services are provided by departmental staff of the Bureau of Public Assistance.) The regional representative of the Bureau of Public Assistance and his staff is the major point of contact by State public assistance agencies and by other interested persons for securing general information. Required reports,

official documents, and other related communications are submitted through the regional offices. The regional public assistance staff is available at all times to the State agency for consultation and advice on any aspect of the State's administration of public assistance. The regional public assistance representative is also authorized to initiate discussion with State public assistance agencies on the content of any of the reports or other materials submitted by the State which raise questions because of lack of clarity or incompleteness and because of possible conflict with basic requirements of the Social Security Act.

The regional public assistance representative, in addition to advising with States on the application of Federal standards and requirements and on the improvement of the States' administration, is responsible for conducting a continuing review of State and local public assistance operations to determine compliance with the minimum requirements of the Social Security Act. The regional public assistance staff also furnishes technical assistance to State agencies in carrying out research and statistical programs and in the development of data needed for program planning and appraisal of operations.

5. Section 656 is redesignated as section 654.

6. Section 657 is redesignated as section 655 and amended by changing the words "Social Security Administration" in the first sentence to "Federal Security Agency."

7. Sections 658 and 659 are redesignated as sections 656 and 657 respectively.

Pursuant to section 3 of the Administrative Procedures Act (60 Stat. 237), the foregoing amendments are hereby made this 30th day of November.

A. J. ALTMAYER,
Commissioner for Social Security.

Approved: November 30, 1948.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 48-10871; Filed, Dec. 15, 1948;
8:49 a. m.]

Office of Vocational Rehabilitation

EDITORIAL CHANGES INCIDENT TO PREPARA-
TION OF CODE OF FEDERAL REGULATIONS,
1949 EDITION

In order to conform Chapter VI of Title 45 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made effective upon their publication in the FEDERAL REGISTER:

The headnote of Chapter VI is amended, to read "Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency"

The codification of Part 605—Organization, Delegations of Final Authority, Places at Which Public Information May be Secured, is discontinued. Sections

605.1 through 605.5 of this material are hereby redesignated sections 801 through 805, respectively. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

Sections 801, 802 and 803 (formerly 605.1, 605.2 and 605.3) are hereby amended to read as follows:

SUBPART A—ORGANIZATION

Sec. 801. *Organization.* The Office of Vocational Rehabilitation is headed by a Director and in his absence or disability an Associate Director acts for him. This Office's functions and activities include under the general supervision and direction of the Commissioner of Special Services the responsibility for the administration of the Vocational Rehabilitation Program, the Business Enterprises Program for the Blind, the Program for Vending Stands for Blind in Federal Buildings, the approval of State Plans and Amendments thereto, the certification of amounts of money to the Secretary of Treasury for payment to the States, the dissemination of information to the States, the supervision of the District of Columbia Rehabilitation Service, and the supervision of the regional offices. Divisions in the Office of Vocational Rehabilitation are:

- Division of Rehabilitation Standards.
- Division of Administrative Standards.
- Information Service.
- District of Columbia Rehabilitation Service.
- Ten Regional Offices.

(a) *Division of Rehabilitation Standards.* The Division of Rehabilitation Standards is headed by an Assistant Director responsible to the Director for: Developing and establishing policies, procedures and standards; furnishing technical and consultative services to State agencies; conducting research in order to evaluate and improve policies, standards and procedures; maintaining cooperative relationships with national, public and voluntary organizations concerned with welfare services to disabled persons.

(b) *Division of Administrative Standards.* The Division of Administrative Standards is headed by an Assistant Director responsible to the Director for: Developing policies, procedures, and standards to assist State agencies on organization and administrative management, including personnel and fiscal practices; conducting administrative surveys, evaluating effectiveness of State administrative organizations and practices and furnishing consultative services; certifying grants to State agencies and controlling funds; preparing final Federal Budget.

(c) *Information Service.* The Information Service is headed by a Chief responsible to the Director for: Developing policies, standards, and techniques for disseminating information concerning services available to disabled persons through State agencies; conducting a program for public information; assisting States in establishing and carrying on information programs; maintaining relations with press, radio, and other media, in accordance with procedures established by the Agency Office of Publications and Reports.

(d) *District of Columbia Rehabilitation Service.* The District of Columbia Rehabilitation Service is headed by a Chief responsible to the Director for: Operating a program of rehabilitation for disabled persons residing in the District of Columbia, which includes preparation of plan operations and amendments; development and maintenance of cooperative agreements with community agencies; and preparation of budget justifications.

(e) *Regional representatives.* Each Regional Office of the Federal Security Agency (see description of organization of Federal Security Agency) includes a representative of the Office of Vocational Rehabilitation. The regional representative is responsible to the Director of the Office of Vocational Rehabilitation for: Coordinating within the Regional Federal activities relating to the program; exercising supervision required to assure execution of State programs in accordance with established policies, procedures, and standards; surveying State technical and administrative programs and reporting thereon.

SUBPART B—DELEGATION OF FINAL AUTHORITY

Sec. 802. *By delegation from the Federal Security Administrator to the Director of Vocational Rehabilitation.* Under the direction and general supervision of the Commissioner of Special Services the following authority has been delegated to the Director of Vocational Rehabilitation:

(a) All powers and duties of administration concerning Vocational Rehabilitation contained in the Vocational Rehabilitation Act, as amended, Public Law 113, 78th Congress, except that the Federal Security Administrator has reserved the power to issue regulations and to appoint personnel; and except, further, that the Director of Federal-State Relations of the Federal Security Agency is responsible for certain functions and duties relating to audit of grants to States and State personnel standards and policies.

(b) The administration of the act, entitled "An act to authorize the operation of stands in Federal Buildings by blind persons, to enlarge the economic opportunities of the blind and for other purposes" Public Law 732, 74th Congress, except that the Federal Security Administrator has reserved the power to issue regulations and to appoint personnel.

(c) The administration of the Business Enterprises Program for the Blind which makes available Federal funds in accordance with the regulations issued by the Administrator for one-half the cost of acquisition of vending stands or other equipment for the use of blind persons, such stands or other equipment to be controlled by the State agency. Public Law 639, 80th Congress. (See Title 45, Chapter VI, Part 601.)

SUBPART C—PLACES AT WHICH PUBLIC MAY SECURE INFORMATION

Sec. 803. *Places at which public may secure information.* Information relating to Vocational Rehabilitation, the Business Enterprises Program for the Blind, and the Vending Stand Program for the Blind in Federal Buildings may be obtained and submittals or requests

made in person or by letter at: Office of Vocational Rehabilitation, Federal Security Building, Washington 25, D. C., and from Regional Representatives located in Federal Security Agency Regional Offices, (See 801 (e))

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved: December 10, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-10345; Filed, Dec. 15, 1948;
8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 4972]

UNITED STATES RUBBER CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 8th day of December A. D. 1948.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Earl J. Kolb, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, December 20, 1948, at ten o'clock in the forenoon of that day (e. s. t.) in Room 388, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10347; Filed, Dec. 15, 1948;
8:49 a. m.]

FEDERAL WORKS AGENCY

Public Buildings Administration

NATIONAL INDUSTRIAL RESERVE

DELEGATION OF AUTHORITY

Notice is hereby given that the Federal Works Administrator has authorized the

Commissioner of Public Buildings to execute the functions vested in the Federal Works Agency under the National Industrial Reserve Act of 1948 (62 Stat. 1225) with the exception of the disposals of property where the monetary consideration accruing to the United States exceeds \$200,000 in which cases such disposals shall be approved by the Administrator, who shall also sign all disposal documents relating thereto. The Administrator has further authorized the Commissioner of Public Buildings to delegate any of the duties and responsibilities so imposed upon him to any official or officials of the Public Buildings Administration and to perform any and all acts as may be necessary to effectuate the provisions of such act. Pursuant to the latter authority conferred upon him by the Administrator, the Commissioner has created in the Public Buildings Administration a Division of Industrial Properties with a Director at the head thereof.

[SEAL] PHILIP B. FLEMING,
Major General, U. S. A.,
Administrator

[F. R. Doc. 48-10929; Filed, Dec. 15, 1948;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-295]

SOUTHWEST CONSOLIDATED CORP.

NOTICE OF MOTION TO TERMINATE REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of December A. D. 1948.

Notice is hereby given that the Division of Corporation Finance has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") declaring that Southwest Consolidated Corporation ("Southwest") a registered investment company, has ceased to be an investment company.

The Division of Corporation Finance has been advised that Southwest has been dissolved; that substantially all the assets of Southwest have been distributed to its shareholders; that all its remaining assets are held by the Manufacturers Trust Company, New York, New York, liquidating agent for Southwest, in trust for the shareholders of Southwest who have failed to collect their pro rata share of such assets.

All interested persons are referred to said motion which is on file at the office of this Commission in Washington, D. C., for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order declaring that the registration of Southwest has ceased to be in effect, subject to such conditions as the Commission may deem necessary or appropriate, may be entered by the Commission at any time after December 24, 1948, unless prior thereto a hearing in this matter shall be ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than Decem-

ber 22, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this motion or the desirability of a hearing thereon or request the Commission in writing that a hearing be held, stating his reasons therefor and the nature of his interest in the matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10934; Filed, Dec. 15, 1948;
8:47 a. m.]

[File No. 70-2012]

SOUTHERN CO. AND MISSISSIPPI POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of December 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by The Southern Company ("Southern") a registered holding company and a wholly owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, and by Mississippi Power Company ("Mississippi") a direct public utility subsidiary of Southern. The applicants-declarants have designated sections 6 (a) 7, 9 (a) 10 and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than December 22, 1948 at 5:30 p. m. e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 22, 1948, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provide in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to issue and sell an aggregate of \$1,000,000 principal amount of its new First Mortgage Bonds, 3½% Series, to be dated as of April 1, 1948 and to mature in 1978. The bonds are to be issued pursuant to and secured by Mississippi's present indenture dated

as of September 1, 1941, as supplemented by indentures dated as of September 1, 1946, August 1, 1947, and April 1, 1948. The bonds will be sold for cash at private sale to institutional investors at 98.58% of the principal amount thereof, and accrued interest from October 1, 1948 to date of delivery. Net proceeds to the company from the sale of the bonds are estimated at \$978,450. Fees and expenses with respect thereto are estimated at \$7,350.

Mississippi also proposes, prior to the issuance of the bonds, to issue and sell to Southern, and Southern proposes to purchase from Mississippi, 50,000 additional shares of the authorized but unissued common stock without par value of Mississippi for \$1,000,000. No fees or commissions are to be paid in connection with the sale of the additional stock. Expenses with regard thereto are estimated at \$2,000.

The filing states that Mississippi proposes to use the proceeds from the sale of the bonds and the additional shares of its common stock to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property or to reimburse its treasury in part for expenditures made for such purposes. According to the filing, Mississippi contemplates expenditures for property additions during the years 1948 and 1949 in the amount of \$10,100,000. The filing states that in order to finance its construction program Mississippi will use the proceeds from the sale of the new bonds and common stock and cash on hand and estimated to be received from operations. Such amounts will not, in the opinion of the management, be adequate to finance all of the construction requirements of the company during the next few years, and it is estimated that approximately \$3,400,000 of its cash requirements will have to be provided from the sale, before the end of 1949, of additional securities, of which it is presently planned that \$2,000,000 will be provided by the sale of additional shares of the common stock of the company and the balance from the sale of an additional \$2,000,000 principal amount of First Mortgage Bonds of a series now or hereafter to be authorized.

The applicants-declarants have requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10935; Filed, Dec. 15, 1948;
8:48 a. m.]

[File No. 1-1670]

PITTSBURGH, CINCINNATI, CHICAGO AND ST.
LOUIS RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND EXTENSION OF TIME OF OPPORTUNITY TO REQUEST A HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 10th day of December A. D. 1948.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company Consolidated Mortgage Guaranteed 3½% Bonds Series E due August 1, 1949, of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company.

The application alleges that (1) the above security was issued under a consolidated mortgage dated October 1, 1890, to the Farmers' Loan and Trust Company of New York, Trustee, now known as City Bank Farmers Trust Company; (2) the applicant exchange has been notified from time to time of the retirement of this security through operation of a sinking fund and otherwise; (3) the Trustee of this issue, under date of October 6, 1948, certified to the applicant exchange the cancellation of \$470,000 principal amount of these bonds through operation of the sinking fund; (4) this retirement reduced the outstanding principal amount of this security to \$74,000; (5) the outstanding amount of this security has been so reduced as to make further dealings therein on the applicant exchange inadvisable; (6) dealings in this security on the applicant exchange were suspended by action of the exchange at the opening of the trading session on October 22, 1948; and (7) the rules of the New York Stock Exchange with respect to the striking of a security from registration and listing have been complied with.

On November 16, 1948, the Commission issued a notice of filing of this application and of opportunity for hearing which provided for time extending until December 10, 1948, in which any interested person might file a request with the Commission for a hearing in regard to terms to be imposed upon the delisting of this security. This time limit for requesting a hearing is hereby extended to January 12, 1949. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms and conditions. In addition, any interested person, prior to January 12, 1949, may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10936; Filed, Dec. 15, 1948;
8:48 a. m.]

No. 244—4

[File No. 70-2001]

CENTRAL MAINE POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of December A. D. 1948.

Central Maine Power ("Central Maine") a public-utility subsidiary of New England Public Service Company, a registered holding company, has filed an application and amendments thereto pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Central Maine requests authorization to issue or renew, up to and including March 31, 1949, short-term notes, i. e., notes having a maturity of nine months or less, aggregating (together with all other short-term notes outstanding) \$10,000,000, such maximum amount authorized to be automatically reduced by such sums as shall be applied to the reduction of short-term notes from the proceeds received by the company from the sale of securities other than short-term notes in the period from the date of this order to and including March 31, 1949. The application states that it is the intention of the company to apply to the reduction of its short-term notes the net proceeds to be received from the issue and sale of common stock proposed by the company in proceedings now pending before this Commission (File No. 70-1972). The application further states that the company had outstanding at December 7, 1948, short-term notes payable to the order of the First National Bank of Boston aggregating \$8,500,000, the amount authorized by order of the Commission of August 31, 1948, and that, to carry out its construction program, the company will be required to borrow at least an additional \$1,000,000 in December 1948; that the company has an understanding with the First National Bank of Boston that, until further notice, the interest rate on the short-term notes proposed to be issued or renewed will be 2¼% per annum; and that in case the interest rate shall exceed such amount, the company will file an amendment to its application, stating the new rate of interest, at least five days prior to the execution and delivery of any note bearing such new interest rate, and unless the Commission shall notify the company to the contrary within said five-day period, the amendment shall become effective at the end of said period. The application further states that the expenses to the company in connection with the proposed transaction consist of legal and clerical expenses estimated not to exceed \$350.

The application states that the issue and sale of the securities proposed are solely for the purpose of financing the business of the company and are not subject to the jurisdiction of the Public Utilities Commission of Maine.

The amount of notes proposed to be issued by Central Maine is in excess of 5% of the principal amount and par value of other outstanding securities of the company. The company requests

authorization pursuant to the first sentence of section 6 (b) of the act to issue such notes.

Said application having been filed on November 15, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; certain amendments to the application having been filed on December 9, 1948; and

The Commission finding with respect to said application as amended that the requirements of the applicable sections of the act and the rules and regulations thereunder are satisfied and finding it appropriate in the public interest and for the protection of investors and consumers that said application as amended be granted, and deeming it appropriate to grant the request of applicant that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application as amended be, and hereby is, granted forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10337; Filed, Dec. 15, 1948;
8:43 a. m.]

[File Nos. 54-25, 53-11, 53-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING WITH RESPECT TO PROPOSED ACCOUNTING REORGANIZATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of December A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

Notice is hereby given that the United Light and Railways Company ("Railways") a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") an application-declaration designated Application No. 7 in response to the Commission's order of December 30, 1947, with respect to a proposed accounting reorganization. The application-declaration designates sections 11 (e) and 6 (a) (2) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 21, 1948, at 5:38 p. m., e. s. t., request in writing that a hearing be held with respect to said application-declaration stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be

notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after December 21, 1948 said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

By order dated December 30, 1947, the Commission approved a plan filed by Railways and its subsidiary, American Light & Traction Company ("American Light") also a registered holding company, pursuant to section 11 (e) of the act which plan, among other things, provided for Railways' distribution during 1948 through rights offerings and dividend distributions to its common stockholders of its holdings of common

stock of American Light, the sale by Railways of the common stock of the Detroit Edison Company and Madison Gas & Electric Company received through distributions made by American Light, the sale by Railways, pursuant to an offer by American Light to purchase its outstanding preferred stock at \$33 per share plus accrued dividends, of all of the preferred stock of American Light held by Railways, and the call for retirement by Railways at the respective redemption prices of all of its outstanding preferred stocks, and the Commission in said order of December 30, 1947 reserved jurisdiction, among other things, with respect to accounting entries in connection with the plan.

Railways proposes to establish reserves as at January 2, 1948, adequate in amount to cover all charges required to be made to earned surplus in connection with the plan, including a provision for contingencies. These charges will result in an earned surplus deficit which would be eliminated by transfer to paid-in surplus. The proposed reserves will aggregate \$49,355,958 and will be for the following purposes and in the following amounts:

Dividends declared on common stock during 1948.....	\$4,664,871
Estimated losses on rights offerings and distributions of common stock of American Light & Traction Co.....	\$46,129,674
Plus: Estimated cost and expenses in connection with the offerings and distributions.....	500,000
	\$46,629,674
Less: Amount received in excess of carrying value of 202,528 shares of American Light preferred stock.....	1,324,679
Assumed net realization on sale of common stock of Madison Gas & Electric Co.....	2,127,856
	3,452,535
	43,177,139
Estimated loss on sale of 78,270 shares of capital stock of The Detroit Edison Co.....	212,822
Call premiums on preferred stock.....	551,126
Contingencies, including fees and expenses in connection with the consummation of the plan.....	760,000
Total.....	49,355,958

The establishment of such reserves will exhaust the entire earned surplus existing as at December 31, 1947 in the amount of \$16,661,514, and will result in an earned surplus deficit of \$32,694,444 which deficit is to be eliminated by transfer to the paid-in surplus account. Paid-in surplus in the amount of \$54,252,970 as at December 31, 1947 will be reduced to \$21,558,526. Upon completion of all transactions contemplated by the plan any balance in such reserves will be transferred to the paid-in surplus account. It is also proposed that earned surplus of the subsidiaries of Railways at January 2, 1948 be transferred to the paid-in surplus account in consolidated statements.

The application-declaration requests the Commission to enter an order authorizing Railways to record on its books the accounting entries proposed or releasing jurisdiction heretofore reserved over accounting entries to be made by Railways in connection with the plan with the understanding that the accounting entries herein proposed will be recorded on its books.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10938; Filed, Dec. 15, 1948;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12446]

ANNA GROENEMEIER SIMONS

In re: Trust under will of Anna Groenemeier Simons, deceased. File D-28-6478; E. T. sec. 4060.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Groenemeier, Carolina Henrietta Tiedemann, Johann Tiedemann, Minna Groenemeier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the Issue, names unknown, of Carl Groenemeier, of Carolina Henrietta Tiedemann, and of Adolph Groenemeier and Minna Groenemeier, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany).

3. That all right, title, interest and claim of any kind or character whatsoever

of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Anna Groenemeier Simons, deceased, presently being administered by the Mercantile Trust Company, Calvert & Redwood Streets, Baltimore, Maryland, Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the Issue, names unknown, of Carl Groenemeier, of Carolina Henrietta Tiedemann, and of Adolph Groenemeier and Minna Groenemeier, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10951; Filed, Dec. 15, 1948;
8:51 a. m.]

[Vesting Order 12488]

SEVERIN RAPP

In re: Estate of Severin Rapp, deceased. File No. 017-21505.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Baptist Reiner, Anna Trick, Martha Lina Kraeutle, Ernst Rapp, Robert Rapp, Anna Ilg, Carl Josef Winter, Franz Xaver Winter, Maria Theresia Winter, Emil Winter, Gertrud Elisabeth Winter, Klara Palpp, Franz Auer, Gertrud Auer, Walter Auer, Alfred Winter, Anna Pauli, Ferdinand Rapp, August Buerkle, Karl Buerkle, Louise Guenter, Otto Buerkle, Anna Buerkle, Elisabeth Schairer, Josef Buerkle, Bartholomaeus Buerkle, Christel Helga Schneider, Klaus Roland Schneider, Oscar Wilhelm Buerkle, Otto Kern, Sofie Gelgis, Maria Kauf-

mann, Theresia Kern, Hermann Kern, Franz Xaver Rapp, Maria Niederer, Lulise Baumann and Franz Rapp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That Eugen Josef Fischer and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Maria Reiner, deceased, and of Hedwig Schneider, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Severin Rapp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Theo. R. Runge, as administrator, acting under the judicial supervision of the County Judge's Court of Seminole County, Sanford, Florida;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Maria Reiner, deceased, and of Hedwig Schneider, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10952; Filed, Dec. 15, 1948; 8:51 a. m.]

[Vesting Order 12186, Amdt.]

LILLI HAYSSSEN ET AL.

In re: Debts owing to Lilli Hayssen, Anna Hayssen, a widow, Anna Hayssen, a single woman, Christian Merz and Friedel Mangold.

Vesting Order 12186, dated October 11, 1948, is hereby amended as follows and not otherwise:

a. By deleting from subparagraph 2 (c) of the aforesaid Vesting Order 12186 the figures "\$638.55" and substituting therefor "\$633.55"

All other provisions of said Vesting Order 12186 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10954; Filed, Dec. 15, 1948; 8:51 a. m.]

[Vesting Order 12503]

JOHN B. MAYER

In re: Estate of John B. Mayer, deceased, and trust under will of John B. Mayer, deceased. File D-28-11582; E. T. sec. 15786.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Kleopha Gelger, Walberga Fischer (Walburga Fisher) Theobald Vogler, Josepha Vogler Kugelmann, Lidwina Euzensberger (Enzensberger), Lidwina Knittel Settele, Andreas Knittel, Clemens (Klement) Knittel, Johann Knittel, Peter Knittel, Ludwig Knittel, Andreas Mayer, Victoria Bader, Johann Mayer, Walberga (Walburga) Mayer, Wilhelmina Mayer, Philomena Bellmund, Andreas Mayer, Veronika Lerf, Theresa Schmid, Kreszenzia Mayer, Nikolaus Mayer, Joseph Mayer, George Otto Mayer, Josepha Mayer, Ignaz (Ignazius) Mayer, Josef Georg Mayer, Andreas Mayer and Veronika Mayer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, distributees and legatees, names unknown, of Sebastian Mayer, deceased; of Andreas Mayer, deceased; of Ignatz Mayer, deceased; of Otto Mayer, deceased, and of Nikolaus Mayer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John B. Mayer, deceased, and in and to the trust created under the will of John B. Mayer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Land Title Bank and Trust Company, as executor and surviving trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, distributees and legatees, names unknown, of Sebastian Mayer, deceased; of Andreas Mayer, deceased; of Ignatz Mayer, deceased, of Otto Mayer, deceased, and of Nikolaus Mayer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10953; Filed, Dec. 15, 1948; 8:51 a. m.]

